

CA2 NTYX 21  
O65  
1883  
c.1

Shelve ahead of  
Northwest Territories  
Statutes

ALBERTA LEGISLATURE LIBRARY



3 3398 00355 0372



Digitized by the Internet Archive  
in 2021 with funding from  
Legislative Assembly of Alberta - Alberta Legislature Library



LEGISLATURE LIBRARY













# ORDINANCES

OF THE

NORTH-WEST TERRITORIES,

*PASSED BY THE LIEUTENANT-GOVERNOR,  
IN COUNCIL,* 22

In the Session begun and holden at Regina on the 20th day of  
August, and closed on the 4th day of October, 1883,

AND

Proclamations by the Lieutenant-Governor.



HIS HONOR EDGAR DEWDNEY,  
LIEUTENANT-GOVERNOR.

---

REGINA :  
PRINTED BY NICHOLAS FLOOD DAVIN,  
Printer to the Government of the North West Territories.  
1883.







# ORDINANCES

OF THE

NORTH-WEST TERRITORIES,

*PASSED BY THE LIEUTENANT-GOVERNOR,  
IN COUNCIL,*

In the Session begun and holden at Regina on the 20th day of  
August, and closed on the 4th day of October, 1883,

AND

Proclamations by the Lieutenant-Governor.



HIS HONOR EDGAR DEWDNEY,  
LIEUTENANT-GOVERNOR.

---

REGINA:

PRINTED BY NICHOLAS FLOOD DAVIN,  
Printer to the Government of the North West Territories.  
1883.







# CONTENTS.

## ORDINANCES OF 1883.

	<i>Page.</i>
No. 1. An Ordinance respecting infectious and contagious diseases of domestic animals .....	1
No. 2. " respecting Municipalities .....	5
No. 3. " to amend the administration of Civil Justice Ordinances, 1878 and 1879 .....	37
No. 4. " respecting Partnerships .....	41
No. 5. " for the relief of indigent children .....	45
No. 6. " to prevent the profanation of the Lord's Day .....	48
No. 7. " authorizing the appointment of Notaries Public .....	49
No. 8. " for the protection of game.....	50
No. 9. " to regulate the disposal of found or stolen horses.....	53
No. 10. " respecting the herding of animals.....	55
No. 11. " to enforce the destruction of the Canada thistle and other noxious weeds.....	58
No. 12. " respecting auctioneers, hawkers and pedlers .....	60
No. 13. " to provide and regulate returns by Justices of the Peace.....	61
No. 14. " respecting the construction of chimneys..	62
No. 15. " to amend the Ordinance No. 6 of 1879 respecting the licensing of billiard and other tables, and for the prevention of gambling. ....	63
No. 16. " to further amend "The Registration of titles Ordinance 1879".....	64
No. 17. " to amend Ordinance No. 8 of 1878, respecting the marking of stock .....	66
No. 18. " to amend Ordinance No. 1 of 1881, respecting short forms of indentures.....	67
No. 19. " to amend an Ordinance for the protection of sheep, No. 11 of 1881.....	68
No. 20. " to amend an Ordinance for the prevention of prairie and forest fires No. 4 of 1879 .....	69
No. 21. " to repeal Ordinance No. 10 of 1881 and to amend Ordinance respecting fences, No. 10 of 1878.....	70
Proclamation erecting the electoral district of Edmonton.	71
" erecting the electoral districts of Broadview, Qu'Appelle and Regina.	73
" erecting the electoral district of Moose Jaw.	75







# CANADA---NORTH-WEST TERRITORIES.



No. 1 of 1883.

---

## *An Ordinance respecting Infectious and Contagious Diseases of Domestic Animals.*

---

[PASSED 5TH OF SEPTEMBER, 1883]

Whereas it is in the public interest to protect Horses and Cattle and other Domestic Animals from Infectious and Contagious Diseases, and to prevent the spread thereof,

Therefore, the Lieutenant-Governor of the North-West Territories, in Council, enacts as follows :

1. It shall be unlawful for the owner or owners, or for any person, or persons, having in charge any horse, cattle, or domestic animal, affected with any contagious disease, to allow said diseased animal or animals to run at large. All animals affected with contagious disease shall be, at once, removed by the owner, or owners thereof, or the person or persons in charge of the same, to some secure inside enclosure, where contact with other animals, by reaching over or through the fence of said enclosure, will be impossible ; or such diseased animal or animals shall be closely herded six miles away from any farm or from any other stock running at large, and shall be kept in such enclosure, or herded as herein provided, until they shall die or are entirely cured of any contagious disease. Every person who is the owner, or part owner, or has in his charge, any animals affected with any contagious disease, who shall knowingly neglect, or refuse to remove, or so enclose, or herd away from farms or stock, such animals affected with any contagious disease as hereinbefore provided, shall be liable for every such offence to a penalty not exceeding one hundred dollars.



2. Upon complaint in writing, under oath, made to any Stipendiary Magistrate or Justice of the Peace, that any person owns, or has in his possession, either on his own premises, elsewhere, or running at large, any horse, cattle, or domestic animal, to the best of his knowledge and belief, or according to his information, affected with some infectious or contagious disease dangerous to life, (which complaint may be in the form "A" to this ordinance) the Stipendiary Magistrate or Justice of the Peace may make an order in the first instance, or in his discretion he may issue a summons upon the party complained against, and on return thereof make or refuse the order, ordering a veterinary surgeon, or if such person cannot be obtained, any other person of proper attainments, to proceed forthwith and make a thorough examination of the animal alleged to be diseased, and report the result in writing to the Stipendiary Magistrate or Justice of the Peace with a distinct statement whether or not the disease, if any, will eventually prove fatal, and whether or not it is infectious or contagious, and dangerous to life; and the said order, if made in the first instance shall contain a summons upon the party complained against, ordering him to appear before the Stipendiary Magistrate or two Justices of the Peace, on a day and hour therein named, to show cause why the said animal should not be ordered to be destroyed; and said order may be in the form "B" to this ordinance.

Any animal running at large affected with any infectious or contagious disease, and for which no owner, on reasonable enquiry, can be found, may be dealt with by a Magistrate or Justice under this section as if the same was affected with a disease dangerous to life.

3. It shall be the duty of such person as the Stipendiary Magistrate or Justice of the Peace shall appoint, forthwith to obey the order in the next preceding section mentioned, and to perform and execute the duties and make his report in writing as therein mentioned, and for every such examination and report he shall be paid the sum of ten dollars or less, and such mileage allowances as the Magistrate or Justice shall think reasonable.

4. The Order or Summons mentioned in the second section of this ordinance, and all other papers in the matter, may be served on the parties complained against by delivering to, and leaving the same with himself, or in case of his absence from his place or domicile, his wife or some member of his family having arrived at the years of discretion, or some domestic servant or person in his employ; and the party so served shall obey all orders, summons, and other requisitions; and he shall point out, assist, and lend all possible facility to the person appointed under the second section of this ordinance to make the examination and report aforesaid.

5. Upon the return of the order, in the preceding sections mentioned, the Stipendiary Magistrate, or two Justices of the Peace, (one of whom shall be the Justice who issued the order) or the Justice who issued the said order if no other Justice within twenty miles, shall read the report of the person appointed to examine and report under the second section of this ordinance and take his evidence under oath, and take the

evidence of all witnesses produced by both parties and read all affidavits produced or filed, and thereupon dismiss the complaint, with costs to be paid by complainant, or order that the animal in question shall be destroyed, with or without costs to be paid by the party complained against, (the costs in all cases, to be taxed by the Magistrate or Justice) and a writ of destruction shall issue accordingly under the hand and seal of the Magistrate or Justices, in the form "C" of this ordinance.

6. Under the writ of destruction, the officer to whom the same is directed, shall forthwith kill and destroy the animal therein mentioned, and so dispose of the body thereof by burning the same so that the infection or contagion may not spread; and of the goods and chattels, lands and tenements, of the party complained against therein named, he shall make the costs, in the said writ mentioned, and his costs of executing the said writ, which latter cost, shall be five dollars besides mileage, and all reasonable disbursements.

7. Provided always that the Magistrate or either of the Justices, mentioned in the fifth section of this ordinance, may, at any stage of the proceedings, stay the proceedings, upon the party complained against paying the costs, in so far as the proceedings have gone, and destroying the diseased animal and burning the body thereof, that the infection or contagion shall not spread.

8. Any person against whom a summons is issued under the second section of this ordinance, who shall neglect or refuse to point out any diseased animal, and to assist and lend all possible facility to the person appointed under the second section of this ordinance in carrying out the duties required of them, shall be liable to a penalty of not more than one hundred dollars.

The following are the forms referred to in this ordinance :—

### FORM "A."

*(Referred to in Section 2.)*

In the matter of a diseased

A. B.,

Complainant,

and

C. D.,

Complained against.

I, A. B., of \_\_\_\_\_, farmer, (or as the case may be) make oath and say as follows:

1. I reside at \_\_\_\_\_

2. I know C. D., who resides at \_\_\_\_\_ and who is by occupation a farmer (or as the case may be).

3. The said C. D., owns, (or has in his possession, or on his premises, or elsewhere, or running at large, a horse, mare, cow, ox, or other domestic animal, naming the animal as the fact is) which, to the best of my knowledge and belief (or according to my information, as the case may be) is affected with some infectious or contagious disease, dangerous to life.

Sworn before me at \_\_\_\_\_ day of \_\_\_\_\_

this 18 \_\_\_\_\_

S. M. or J. P. }

A. B.



## FORM "B."

*(Referred to in Section 2.)*

## ORDER AND SUMMONS.

In the matter of a diseased

A. B.,

Complainant,

C. D.,

and

Complained against.

Upon the application of A. B., and upon reading the affidavit of  
I do order that G. H. do forthwith make examination of a certain (here describe the animal) of C. D.,  
in [here describe where the animal is], alleged to be infected with some infectious or contagious  
disease, and report the result to me in writing, in pursuance of the "Ordinance respecting Infectious  
and Contagious Diseases of Domestic Animals."

On the                      day of                      at                      o'clock in the                      noon ;  
and I do order that the said G. H. do personally appear before me at that time at

And I do further order that C. H. do personally appear before me at  
on the said                      day of                      at                      o'clock  
in the                      noon, to answer the complaint made against him in respect  
to the said diseased animal.

Dated

day of

X. Y.,

S. M. or J. P.

## FORM "C."

*(Referred to in Section 5.)*

## WRIT OF DESTRUCTION.

NORTH-WEST TERRITORIES, }  
To Wit: }

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen.  
Defender of the Faith.

To

Greeting:

I, or we, (as the case may be) command you that you do, without any delay, kill and destroy a  
certain (here describe the animal) at (here describe where the animal is or supposed to be) owned  
by or in the possession of C. D., on his premises or elsewhere, or running at large, wherever the  
same may be found, and burn the body thereof so that the disease with which the animal is affect-  
ed may not, by infection or contagion, spread. And I, or we, (as the case may be) do further com-  
mand you that of the goods and chattels, lands and tenements of the said C. D. you do levy and  
make the sum of                      which I, or we, (as the case may be) have taxed, allowed  
and adjudged to A. B., the complainant, for his costs and charges in this matter against the said  
C. D., the party complained against, in pursuance of the ordinance in such cases made and provid-  
ed and what you shall have done in the premises, make appear to me, or us (as the case may be)  
immediately after the execution hereof and have then and there the said money and this writ.

Given under my, or our, (as the case may be) hand and seal.

## No. 2 of 1883.

*An Ordinance Respecting Municipalities.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Unless otherwise declared or indicated in this Ordinance, wherever any of the following words occur they shall have the meaning hereinafter expressed, namely, the word

(1) "Municipality" shall mean a group of not less than four contiguous Townships, forming either a square or a parallelogram, except in cases where Indian reservations interfere, or except where one or more such Townships are broken, or fractional, or abut on meridian lines, or special surveys or gores exist, and shall mean any locality, the inhabitants of which are incorporated or are continued or become so under this Ordinance ;

(2) "Council" shall mean the Municipal Council ;

(3) "Land" or "lands," "real estate," "real property," shall respectively include lands, tenements and hereditaments or all rights thereto or interest therein ;

(4) "Electors" shall mean the persons entitled for the time being to vote at any Municipal election or in respect of any By-law in the Municipality, ward or polling sub-division, as the case may be ;

(5) "Chairman" shall mean the head of the Council, or the person elected to fill that position for the time being ;

(6) "Owner" or "proprietor" shall mean the person who has the ownership or use of any taxable property, or has an agreement for the purchase of the same ;

(7) "Occupant" denotes all persons who possess, hold or occupy any land under any title whatsoever, or even without a title, or are occupying lands of the Crown under any style of location, agreement or tenure whatever ;

(8) "Lot" shall mean a piece or parcel of land subdivided for the purposes of sale in smaller parcels, and shall include the buildings or other improvements thereon.

2. The Lieutenant-Governor, or the Lieutenant-Governor in Council, may, by proclamation, establish Municipalities, on a petition of two-thirds



of those qualified to vote for Members of the North-West Council, or Legislative Assembly, resident within the proposed Municipality, being presented to him, the petition to state the Township numbers and the numbers of the Ranges, or the fractions thereof, the number of resident householders, and the limits of the proposed Municipality.

3. From and after the issuing of the proclamation, as aforesaid, the inhabitants of each such Municipality and their successors shall become a body corporate, capable of suing and of being sued, and of acquiring holding and conveying every description of property under the name of such Municipality (inserting the name published in the proclamation).

4. The proclamation of the Lieutenant-Governor shall set forth, in addition to the Townships or parts thereof and Ranges, the name of a Returning Officer to hold an election of Councillors; the number of Councillors to be elected; the date of holding such election; the place or places for voting, and the time and place of holding the first meeting of the Council.

5. Each Municipality of four, and not more than nine Townships, shall be entitled to five Councillors; and each Municipality of more than nine Townships shall be entitled to seven Councillors.

6. Any person entitled to vote for a Municipal Councillor is entitled to be elected as such, except those who are disqualified by the reasons following:

- (1) Any minister or priest of any religious denomination;
- (2) Any Sheriff or Sheriff's officer, or any officer of any court of law;
- (3) Any person having any contract with the Municipality or having any unsettled or disputed claim therewith;
- (4) Any officer of the Government or any officer of the Municipality.

7. The persons qualified to vote at the first election for Councillors shall be male occupants of lands within the Municipality for not less than three months previous to the proclamation, British subjects, over twenty-one years of age. Provided that no person shall be eligible as Councillor who is not resident within the Municipality; and that one week only shall elapse between nomination of Councillors and the election thereof; in all other respects the election shall be held in manner similar to the election of members of the North-West Council; and every subsequent election shall be in manner hereinafter provided, and the number of persons required to be elected having the largest number of votes shall be declared elected.

8. At the first election to be held under this Ordinance, in the case of five Councillors to be elected, the three having the highest number of votes shall hold office until the thirty-first day of December next following the one ensuing the said election, or in the case of seven Councillors to be elected, then the four, as the case may be. Thereafter the election

shall be for Councillors to hold office for two years, retiring annually in the proportions named.

9. The jurisdiction of each Council shall be confined to the Municipality for which they are elected, unless authority is given otherwise by the Lieutenant-Governor in Council as hereinafter provided.

10. The annual election for Councillors shall take place on the second day of January, unless the same shall be a Sunday or a Statutory holiday, when it shall take place on the day next ensuing.

11. The first meeting of the Council so elected shall be on the ~~third~~ Monday in January in each year, unless the same shall be a Statutory holiday, when it shall be held on the day next ensuing; and the Council of the previous year shall be deemed to hold office up to the first meeting of the new Council, notwithstanding the fiscal year shall expire on the thirty-first day of December in each year.

12. It shall be the duty of the new Council at its first meeting, after the members thereof have subscribed to the oaths hereinafter provided for and have deposited their certificates of election with the clerk, to proceed to the election of a Chairman, which shall be done by a majority of those present, being properly qualified.

13. In case of the death or removal of any Councillor, or in the event of a vacancy occurring in the Council from any cause whatsoever, the Council at its next meeting shall order an election, and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill.

14. In the event of any Councillor refusing or neglecting to attend the meetings of the Council for three consecutive meetings, his seat shall be declared vacant, unless he shall have received permission to absent himself from the Council by a majority vote of the same at a regular meeting of the Council, which shall in no case be for a longer period than six months.

15. It shall be the duty of the Council at its first meeting to elect a Clerk who shall hold office during the pleasure of the Council.

16. Every Council may make regulations and By-laws—not provided for by this Ordinance and not contrary to law—for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the Municipality may require, and may repeal, alter and amend its own By-laws, except where By-laws are made for the purpose of raising money, levying assessments or striking rates.

17. The Returning Officer appointed by the Lieutenant-Governor shall preside at the first meeting of the Council until the election by the Council of its Chairman, and in the case of a tie shall give a casting vote,



and thereafter the Clerk of the Municipality shall preside at the first meeting of the Council, or, in the event of there being no Clerk, then the Returning Officer for the previous election, or as may be provided by the Lieutenant-Governor and for the purposes aforesaid the Clerk shall have all the powers of a Councillor.

18. The powers of every Municipality shall be exercised by the Council thereof.

19. In any case where an election is not held on the day appointed, or if by reason of any illegality in the election of the whole or a majority of the Council, the Lieutenant-Governor, or the Lieutenant-Governor in Council, may direct the holding of an election as provided for in the first election of Councillors under this Ordinance.

20. A majority of the Council shall be a quorum at any meeting.

21. In the event of the absence of the Chairman at any meeting, the Council shall elect a Chairman from amongst themselves, who shall have all the powers of the regular Chairman.

22. The Council may pass a By-law for paying the members thereof, which shall in no case exceed the sum of three dollars per day and twenty cents for every mile necessarily travelled coming to or attending the business of the Council.

23. It shall be the duty of the Chairman to call special meetings of the Council whenever requested to do so by a majority of the same in writing, and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof.

24. The Chairman may vote on all questions, and in case of a tie shall have a casting vote, and any member of the Council may have the votes recorded on the minutes as aye or nay.

25. The Council of any Municipality may pass By-laws for

(1) The raising of revenue by assessment on real and personal property and for collecting the same.

(2) The expenditure of the revenue ;

(3) The maintenance of roads and bridges, and building the same, to lay out, open, change, close or extend roads, streets, alleys, and by-ways ;

(4) The prevention of cruelty to animals not otherwise provided by law ;

(5) The abatement of nuisances ;

(6) The prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law ;

(7) The relief of the poor ;

(8) Drains and watercourses ;

(9) Drainage works and the regulation of ditches ;

(10) Public health;

(11) Appointment of public officers and persons to enforce any provisions of this Ordinance;

(12) The maintenance of officers under any provisions of this Ordinance;

(13) The establishment and maintenance of pounds, the impounding of animals, running at large of the same, and regulating their detention and sale or release, subject to any legislation by the North-West Council;

(14) The erection of municipal buildings, such as halls, lock-ups, weigh-houses, markets, and generally such buildings as may be deemed beneficial to the interests of the Municipality;

(15) The encouragement of the planting of trees on prairie lands, or the public highways, and remuneration for the same by commutation of statute labor or otherwise;

(16) Taking the census of the Municipality;

(17) Enforcing the by-laws of the Municipality by fine or imprisonment;

(18) The sale of land or personal property in satisfaction of unpaid taxes;

(19) The regulation of meetings of Council and conduct of its members;

(20) The duties of its officers, salaries and security to be given, not otherwise provided for by law;

(21) Public morals not otherwise provided for by law;

(22) The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in the public market;

(23) For granting bonuses to manufactories, mills, railways, or any works of a public nature, subject to ratification by the people as hereinafter provided;

(24) Exemption from taxation for the then current year;

(25) Exemption from taxation for a longer period than one year, subject to ratification by the people as hereinafter provided;

(26) For granting aid to Agricultural Societies.

26. At its first or subsequent meeting the Council shall pass a By-law for the appointment of a Treasurer, Assessor, Collector, Auditor, Road-overseers, Pound-keepers and Constables, and fix their remunerations.

27. The qualification of electors under this Ordinance shall be, except in the first election, all male persons over twenty-one years of age, British subjects, being assessed for three hundred dollars or over, either in their own right or in the right of their wives, on the last revised assessment roll.

28. The Chairman shall preside at all meetings of the Council, preserve order, and enforce the rules of the Council, sign all orders or cheques on the Treasurer duly passed by the Council; be vigilant and active at all times in causing the By-laws of the Municipality to be put



in force and duly executed; inspect and report to the Council on the conduct of the officers of the Municipality; cause, as far as may be in his power, all negligence, carelessness, or violation of duty, to be prosecuted and punished; communicate from time to time to the Council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the Municipality.

29. The Clerk shall truly record all resolutions, decisions and other proceedings of the Council, and, if required by the Council, shall record the name of every member voting and whether aye or nay on any question coming before the Council; he shall keep the books, records and accounts of the Council and shall preserve and file all accounts acted upon by the Council, and shall keep the original or certified copies of all By-laws of the Council as directed by By-law.

30. Except as hereinbefore provided the qualifications of a Councillor shall be those of a qualified voter as provided in the twenty-seventh section of this Ordinance, being assessed for not less than six hundred dollars, either in his own right or the right of his wife, on the last revised assessment roll.

31. The Clerk of the Municipality shall be, except as hereinbefore provided, or unless otherwise directed by By-law of the Council, Returning Officer of the Municipality.

32. The Council shall at least one month prior to the last Monday in December by By-law appoint Deputy Returning Officers and define the districts or sub-divisions within the Municipality where votes are to be polled, and the Clerk shall, on or before the last Monday in December, prepare and deliver to the Deputy Returning Officers of each district or sub-division, a certified list of the persons entitled to vote at the election to be holden.

33. A meeting of the electors shall be called by the Returning Officer at some convenient place within the Municipality to be named by him, on the last Monday in December, unless the same be a statutory holiday, then on the next ensuing day, for the purpose of nominating the required number of Councillors to be named by the Clerk in the notice calling the meeting, to serve as such for the term commencing on the first day of January following.

34. In the event of more than the required number of persons, being duly qualified, having been nominated and any one of them demanding that a poll be held, the clerk shall declare that a poll will be granted, naming the time, place, and deputy returning officer or returning officers, as the case may be, appointed to hold the same.

35. If the clerk should not attend the meeting called for the purpose of such nomination the electors shall choose a chairman from amongst themselves, who shall have all the powers of a returning officer

under this Ordinance. The Chairman so chosen shall report the proceedings in writing to the Clerk, who shall act in such case as if he were personally present.

36. At ten o'clock of the forenoon the Clerk shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nomination of any person or persons to serve as such Councillors, and the meeting shall remain open until twelve o'clock when the Clerk shall declare as hereinbefore provided.

37. In case of neglect or refusal of the electors in the Municipality to elect a Council as hereinbefore provided, the Lieutenant-Governor, or the Lieutenant-Governor in Council, may appoint members from within the Municipality, being duly qualified, to act as such, or may in his discretion order a new election.

38. In case a poll is demanded the election shall be held one week from nomination day and in manner similar to the election for members of the North-West Council or members of the Legislative Assembly.

39. The Clerk shall, in case a poll is demanded, on the day of nomination post up in a conspicuous place the names and residences of the persons nominated and shall, not later than the day following, deliver to the deputy returning officers, a similar list together with the necessary instructions and books for the purpose of said election.

40. Within two days after the election the deputy returning officers shall forward to the returning officer a certificate of the number of votes polled and for whom, together with the poll books, and the returning officer shall, on the fourth day after the election, publicly declare the names of those elected and shall then deliver or post in the nearest post office to each Councillor so declared duly elected a certificate of his election setting forth the number of votes cast for each candidate at each of the polling sub-divisions in such Municipality and the total result.

41. The Council of every Municipality shall by By-law appoint one or more persons, not being members of the Council as assessor or as assessors and collectors, or as one or both. If more than one assessor is appointed the By-law shall define for each the division for which he is appointed, and where the Council of any Municipality has passed By-laws requiring taxes to be paid on or before a given time, it shall be the duty of the collector to make a return on oath on the day following the time so named of the names of all persons who have not so paid their Municipal taxes.

42. The Council of any Municipality may pass By-laws imposing an additional percentage charge on every or on all taxes not paid on the day named in the preceding section which shall become a charge upon the property first assessed and shall be collectable as hereinafter provided.



## ASSESSOR.

43. The assessor or assessors shall prepare an assessment roll in which he or they shall set down according to the best information to be had :

(1) The names in full, if the same can be ascertained, of all taxable persons resident within the Municipality who have property therein ;

(2) The names of all non-resident property holders ;

(3) The description and extent of property owned by each ;

(4) The total actual cash value of real property ;

(5) The total actual cash value of personal property ;

(6) Taxable income, which shall be deemed to mean his income save and except the sum of five hundred dollars other than that derived from any property real or personal for which he is assessed, income derived from stock or shares in any incorporated company shall be assessed against the individual holders thereof, and in the Municipality in which such individual holder resides ;

(7) To state after the name of the party assessed whether householder, freeholder, or tenant, by affixing the letter H., F. or T., as the case may be ;

(8) The age and address of the party ;

(9) Section, Township and Range, or Lot, Block and Street ;

(10) Number of acres assessed, number under cultivation ;

(11) Religion and total number of family of each person rated as resident ;

(12) Number of cattle, sheep, horses, hogs and dogs ;

(13) And date of assessment.

44. Every assessor shall before delivery of his roll to the Clerk of the Municipality deliver to the party assessed a notice of the sum at which his real and personal property and taxable income is assessed, or, if the person be not resident in the Municipality, shall post in the nearest post office to his address if the same can be ascertained, or if the same cannot be ascertained, then in the post office nearest the property assessed and shall enter on the roll opposite the name the date of such delivery or posting and such entry made shall be deemed *prima facie* evidence of delivery.

45. The assessors shall make and complete and deliver their rolls to the Clerk of the Municipality in each year on or before the fifteenth day of April and shall attach thereto a certificate in manner hereinafter provided.

46. In the case of a partnership or company having more than one place of business within the Municipality, the personal property thereof shall be assessed in the locality where it is situate and if this cannot be done the partnership or company may elect at which of its places of business it will be assessed for the whole of its personal property.

47. If a resident has no place of business he shall be assessed at his place of residence.

48. It shall be the duty of every person assessable for real or personal property in every Municipality to give all information to the assessors, and he may deliver to the assessors a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

#### EXEMPTIONS.

49. All land or personal property in the Territories shall be liable to taxation subject to the following exemptions:

(1.) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories.

(2.) All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;

(3.) When any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof;

(4.) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;

(5.) All property belonging to the Municipality when held and occupied or in the use of the corporation and the personal property belonging to the same;

(6.) Jails and court houses and the necessary land attached thereto;

(7.) Churches and the land on which they stand, not exceeding one half acre, orphanages, poor-houses, houses of industry, asylums, being public institutions, and the real and personal property connected with the same.

(8.) The property of every public library;

(9.) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation;

(10.) So much of the personal property of any person as is invested in the debentures or bonds of any Municipality within the Territories;

(11.) Personal property to the extent of two hundred dollars;

(12.) Grain in transitu, household effects of every kind, books and wearing apparel.

#### RATES.

50. In every Municipality the rates shall be calculated at so much in the dollar on the actual value of all the real and personal property liable to assessment.

51. The Council of every Municipality shall every year on or before the 15th day of July make estimates of all sums which may be required for the lawful purposes of the Municipality for the year for which the sums are required to be levied, making due allowance for the costs of collection and abatement and losses which may occur in the collection of the taxes on the lands of non-residents.



52. The Council of the Municipality shall pass a by-law authorizing the levying and collecting of a rate or rates of so much in the dollar on the assessed value of the property therein as the Council deems sufficient to raise the sum required in such estimates, but in no case shall the rate imposed exceed two cents on the dollar of the assessment in any year, including local and special rates, but not including school rates.

53. If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any fund belonging to the Municipality, except sinking funds to retire debentures.

54. If there be no unappropriated funds the deficiency may be deducted from the sums estimated as required or from any one or more of them.

55. Should the amount collected exceed the estimates, the sum in excess shall form part of a general fund of the Municipality, and shall be at the disposal of the Council.

56. In cases where the amount collected has been on account of some special purpose, and is not required for such purpose, it shall also form part of the general fund of the Municipality.

57. The taxes or rates imposed in any year shall be deemed to be due on the first day of January of the then current year.

58. The Council may from time to time extend the time at which all taxes shall be paid but not beyond the 20th day of December in each year.

59. The real estate and personal property of all railway companies is to be considered as the property of residents within the Municipality.

#### APPEAL FROM ASSESSMENT ROLL AND REVISION OF ROLL.

60. If the Council of a Municipality consists of not more than five members, it shall form a Court of Revision for the Municipality.

61. If a Council consists of more than five members, the Council shall appoint five of its members to be a Court of Revision, and three thereof shall be a quorum for the transaction of business.

62. The Clerk of the Municipality shall be the Clerk of the Court, and shall record all the proceedings thereof.

63. The Court may meet and adjourn from time to time at pleasure, and may be summoned to meet at any time by the head of the Municipality.

64. All evidence before the Court of Revision shall be taken on oath, and any member shall be competent to administer the oath to any person giving evidence before the Court.

65. At the time appointed the Court shall meet and try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low, as the case may be.

66. All the duties of the Court of Revision which relate to the matters aforesaid and the rolls finally revised by the Court shall be completed before the fifteenth day of June in each year.

67. The proceedings for the trial of complaints shall be as follows :

(1.) Any person assessed within the Municipality who considers himself aggrieved for any or all of the causes hereinafter referred to, may within fourteen days of the time fixed for the return of the roll, give notice in writing to the Clerk of the Municipality that he considers himself so aggrieved, naming the complaints and grounds of appeal and upon what property.

(2.) If any ratepayer within the Municipality thinks that any person has been assessed too high or too low or has been wrongfully inserted in or omitted from the assessment roll, the Clerk shall, on his request in writing, give notice to such person and to the assessor of the time when the matter will be tried by the Court and the matter shall be decided in the same manner as complaints by a person assessed.

(3.) The Clerk of the Court shall post up in some convenient place within the Municipality a list of all complaints in their own behalf against the assessors return and all complaints on account of other persons stating the names of each, the applicant and respecting whom, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints.

(4.) If it should appear to the Court that palpable errors exist in the assessment roll which should be corrected, they may recommend that the Council extend the time for making complaints and the Council may, by resolution, extend the time.

(5.) The Clerk shall cause to be left at the residence of each assessor a list of all complaints respecting his roll and shall also prepare a notice in the form following for each person with respect to whom a complaint has been made :

Take notice that you are required to attend the Court of Revision at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the matter of the following appeal \_\_\_\_\_ appellant. That you are assessed (too high) or (too low) or (not a *bona fide* resident) or as the case may be.

Signed,

Clerk.

(6.) If a person resides or has a place of business within the Municipality, the clerk shall cause the notice to be left at the person's residence or place of business.

(7.) If the person be not a resident then the notice shall be addressed to such person through the post office or to his agent if one appears for him.

(8.) Every notice hereby required shall be served or posted at least six days before the sitting of the Court.



(9.) Persons complained against may appear before the Court in person or by agent.

(10.) The Court after hearing the complainant and the party complained against and any evidence adduced as well as the assessor, shall determine the matter and confirm or amend the roll accordingly.

(11.) If either party fail to appear either in person or by agent the Court may proceed *ex parte*.

68. The roll as finally passed by the Court and certified by the Clerk of the Court as so passed, shall be valid and bind all parties concerned notwithstanding any error or defect in regard to such roll.

#### STATUTE LABOR.

69. Every person assessed upon the assessment roll of a Township shall, if his property be assessed at not more than three hundred dollars, be liable to one day's statute labor, and every three hundred dollars or part thereof in excess of said sum, to an additional day's statute labor.

70. Every other male inhabitant of the Municipality of the age of twenty-one years or upwards and under the age of sixty years not assessed as herein provided shall be liable to one day's statute labor.

71. Every person liable to statute labor as hereinbefore provided may commute the same at the rate of two dollars per day.

72. The Council of any Municipality may by by-law commute the statute labor of any person or persons resident within the Municipality with regard to any certain specified property, for a term of years, in consideration of statute labor to be performed in any one year.

#### THE COLLECTION OF RATES.

73. All rates, assessments, charges, collections and taxes required to be collected by any provision of this Ordinance shall be collected as hereinafter provided.

74. The Clerk of every Municipality shall make a collectors roll or rolls, as the case may be, containing columns for all information required by this Ordinance, in which he shall set down in full the name of every person assessed and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll, and shall calculate and set down opposite the name of each party so assessed and under the columns headed "Statute Labor Fund," "Special Rates," "Debenture Fund," "Local Rate," and "School Rate," or as the case may be, the sum for which he is chargeable on account of such rates, and in the column headed "Total" the total amount of rates for which he is liable, and the Clerk shall deliver the roll certified under his name to the collector or collectors on or before the first day of October, or such other day as may be prescribed by by-law of the Municipality.

75. In addition to the roll prescribed in the next preceding clause the Clerk of the Municipality shall make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessment roll together with the value of every lot and parcel of land as ascertained after the final revision of the roll and shall enter opposite to each lot or parcel of land all the rates or taxes with which the same is chargeable as hereinafter provided and shall deliver the same to the collector on or before the 1st day of October or as may be prescribed by By-law of the Municipality.

#### COLLECTORS AND THEIR DUTIES.

76. The collector upon receiving the collector's roll shall proceed to collect the taxes therein mentioned and shall call at least once upon the person taxed or at the place of his usual residence or place of business, if within the Municipality, and shall demand payment of the taxes payable by such person and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of such demand.

77. In case any person neglects or refuses to pay his taxes for fourteen days after such demand, the collector may by himself or agent levy the same, with costs, by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession on the property, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant on the premises, and the costs chargeable for such levying and distress shall be for service of each summons or warrant 50c.; mileage for summons 10c.; mileage for executing warrant 10c.; attendance levying on distress warrant and returning the same per day \$2; for selling not exceeding amount of distress 5 per cent.

78. In the case of any person whose name appears upon the non-resident roll, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if any such notice has been given, or if the address cannot be ascertained then posted in the post office nearest to which the property assessed is situated, a statement and demand of the taxes charged against him on the roll and shall at the time of such transmission enter the date thereof opposite the name of such person on the roll and such entry shall be *prima facie* evidence of such transmission and of the time thereof.

79. In case of the lands of non-residents, if after one month from the time of such notice as aforesaid the taxes or rates as levied against the said lands be not paid, then the collector may make distress on any goods or chattels which he may find upon the land and no claim of property, privilege or lien shall be available to prevent the sale or payment of the taxes or costs out of the proceeds thereof and the costs and charges or fees attending the same shall be collectable as hereinbefore provided.



80. The collector shall by advertisement over his hand posted up in at least three public places within the Municipality within which the sale of goods and chattels distrained is to be made, give at least six days public notice of the time and place of such sale and of the name of the person whose property is to be sold, and at the time named in the notice the collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to satisfy the claims of the collector including costs and charges attending the levying and distraining and collection as may be necessary.

81. If the property distrained has been sold for more than the amount of taxes and costs and if no claim for the surplus has been made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made, or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

82. If the claim is contested such surplus money shall be paid over by the collector to the Treasurer of the Municipality who shall retain the same until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance.

83. If the taxes payable by any person cannot be recovered in any special manner provided by this Ordinance, they may be recovered with interest and costs as a debt due to the local Municipality, in which case the production of a copy of so much of the collector's roll of the taxes payable by such person, certified to be a true copy by the Clerk of the Municipality shall be *prima facie* evidence of the debt.

84. On or before the fourteenth day of December in every year or on such day in the next year not later than the first day of February as the Council of the Municipality may appoint, every collector shall return his roll to the treasurer of the Municipality and shall pay over the amount collected by him to such treasurer, specifying in a separate column in his roll how much of the whole amount paid over is on account of each separate rate and shall make oath that the date of the demand of payment and payment of taxes required by this Ordinance was duly made and that the amounts returned as paid by him opposite the name of each party in the assessment roll are truly stated.

85. If any of the taxes mentioned in the collector's roll remain unpaid and the collector be not able to collect the same he shall deliver to the Treasurer of the Municipality an account of all the taxes remaining due on the roll and in such account the collector shall show opposite to each assessment the reason why such collection could not be made by inserting, as the case may be, the words "non-resident" or "not sufficient property to distrain."

86. The taxes accrued on any land shall be a special lien on such land having preference over any claim, lien, privilege or incumbrance of any party whomsoever, except the Crown, and shall not require registration to preserve it.

87. In the case of unoccupied lots or parcels of lands in any Municipality the owner of which cannot be ascertained, notices required by this Ordinance posted in the office of the Clerk of the Municipality shall be deemed service of notice on the owner.

TREASURER.

88. The Council of every Municipality shall appoint a Treasurer, who may be paid by salary or by percentage, and the Treasurer so appointed shall, before entering upon the duties of his office, give such security as the Council directs for the faithful discharge of such duties; and it shall be the duty of every Council in each year to enquire into the sufficiency of the security given by such Treasurer and to report thereon.

89. The Treasurer shall receive and safely keep all moneys belonging to the Municipality, and shall pay out the same in such a manner as the laws of the Territories and the lawful by-laws of the Council of the Municipality whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed, except as remuneration for services.

90. The Treasurer shall keep regular books of account in such manner as may be directed from time to time by the Council, and which shall show faithfully all moneys received and how expended, and he shall exact and retain vouchers and receipts for all moneys paid, and he shall prepare and submit to the Council at least once in every month a correct statement of the moneys at the credit of the Corporation, and shall also on or before the 20th day of December in each year prepare and transmit to the Clerk of the Municipality a list of all persons who have not paid their Municipal taxes on or before the fourteenth day of December.

91. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the Municipality.

92. The Treasurer of the Municipality may also be Treasurer of the School Fund.

93. The Treasurer shall not be eligible as Auditor.

94. It shall be the duty of the Treasurer to see that moneys collected under by-law for the purpose of the payment of interest on debentures issued by the Municipality or providing for a sinking fund for the same are properly applied.



95. It shall be the duty of the Treasurer to keep a Debenture Registry Book in which he shall enter a copy of all certificates of owners of debentures which he may give and also any subsequent transfer of such debentures and no such entries shall be made except upon the written authority of the person last entered in such book as the owner thereof or his executors or administrators or his lawful attorney whose authority shall be retained by the Treasurer.

96. The Council of every Municipality may authorize the chairman thereof with the Treasurer under the seal of the corporation to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation until such time as the taxes levied thereon can be collected.

#### AUDITORS AND AUDIT.

97. Every Council shall at the first meeting thereof in every year appoint one or more auditors but no one who at such time or during the preceding year is or was a member of the Council or any officer under the corporation or who has during such preceding year had either directly or indirectly a share or interest in any contract with or on behalf of the Municipality, except as auditor, shall be appointed as such.

98. The auditors or auditor shall examine and report upon all accounts affecting the Municipality or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding their appointment.

99. The auditor or auditors shall prepare an abstract of the receipts, expenditure, assets and liabilities of the Municipality and also a detailed statement of the said particulars in form as the Council may direct and shall make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment and thereafter any inhabitant or ratepayer of the Municipality may inspect the said report and may by himself or agent, at his own expense, take a copy thereof or extracts therefrom.

100. The Clerk of the Council shall at the meeting of the Council immediately following the receipt of such report submit the same to the Council, who shall finally audit and allow the account of the Treasurer and collectors and all accounts chargeable against the Municipality, and in case of charges not regulated by By-Law the Council shall allow what is reasonable, and in cities and towns the Council may also appoint an auditor who shall as directed by the Council examine and report and audit the accounts of the Municipality, in conformity with any regulation or By-law of the Council.

#### VOTERS' LIST.

101. For the first election under this Ordinance the voters' list shall be prepared in manner similar to those used for the election of Members

of the North West Council or Legislative Assembly, and at every subsequent election, except as otherwise herein provided, the voters' list shall be prepared in manner as follows:

102. The Clerk of every Municipality shall on or before the first day of October in each year prepare alphabetically for each township or fraction thereof comprising the Municipality, a list of those persons being duly qualified as hereinbefore provided, whose names appear on the assessment roll as finally revised by the Court of Revision, and shall post the same in a conspicuous place in his office.

103. Any person who has been resident in the Municipality in the then current year prior to the first day of July, and who is otherwise duly qualified, whose name does not appear on the voters' list or who is not assessed high enough to be qualified as a voter, or whose name is put down in error may, either by himself or agent, notify the Clerk in writing of his intention to apply to have his name inserted on the said list or to have the list otherwise amended, as the case may be, in form following:

To the Clerk of the Municipality of

Take notice that I intend applying to the Council to have my name added to the list (or to have the list corrected, as the case may be,) as a voter in \_\_\_\_\_ that I should be assessed for  
Lot \_\_\_\_\_ or Section \_\_\_\_\_ (inserting the number of the Lot, Block and name of street or Section, Township and Range, as the case may be,) or that I should be assessed upon income for  
\_\_\_\_\_ dollars or that my name is wrongfully omitted or that my name is put down in  
error, as the case may be.

(Signature of Applicant.)

Applicant

or (name of Applicant.)

Applicant by his Agent.

(Signature of Agent.)

104. If any person qualified as a voter on income has left the Municipality, or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year, he shall be deemed disqualified as a voter and any person duly qualified may apply to have the name of the party so disqualified struck off the voters' list by notifying the Clerk of his intention of applying to the Council for that purpose as provided in the preceding section.

105. Notices served upon the Clerk under the two preceding sections shall be served in each year on or before the first day of November.

106. On or before the fifth day of November, the Clerk shall make a list of all parties applying to have their names added to the voters' list and of the names of those that have applied to be struck off the list, together with the name of the party applying and for what cause and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the parties interested that application has been made to add or to strike off (as the case may be) their names from the voters' list.



107. On or before the first day of December in each year the Council of each Municipality shall meet as a final Court of Revision on the voters' list and shall hear and determine all cases and applications of which notice has been given to the Clerk as hereinbefore provided, and shall have power to add to, strike off or amend the voter's list, as they may deem fit and right, and after all cases have been so heard and determined upon, the list as finally amended and revised by them, shall be the voters' list of the Municipality for the year next ensuing.

108. All evidence before the Court of Revision shall be taken on oath and any member thereof shall be competent to administer the oath to any person giving evidence before the Court.

109. Every By-law under this Ordinance shall be under the seal of the Municipality, and shall be signed by the head of the Municipality, or by the person presiding at the meeting at which the By-Law is finally passed, and by the Clerk of the Municipality, and the seal of the Municipality shall be affixed in the presence of the Council at the meeting at which the By-Law is finally passed, and every such By-Law shall have three distinct and separate readings before the same shall be finally passed.

110. A copy of any By-Law, written or printed, without erasure or interlineation, and under the seal of the Municipality certified to be a true copy by the Clerk thereof, and by any member of the Council shall be authentic and received as evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged on oath that the seal or one or both of the signatures have been forged, or that the same is not a true copy of the By-Law which it purports to be a copy of.

111. On a petition of two-thirds of the ratepayers of any Municipality the Council may pass By-laws requiring the assent of the electors as provided in sub-sections twenty-three and twenty-five of section twenty-five of this Ordinance in manner following:

112. In case a By-law requires the assent of the electors of the Municipality before the passing thereof the following proceedings shall be taken for ascertaining such assent:

(1.) The Council shall by the By-Law fix the day and hour for taking the votes of the electors and such places in the Municipality as the Council shall in their discretion deem best, and where the votes are to be taken at more than one place shall name a Deputy Returning Officer to take the votes at each place and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed By-Law as hereinafter provided.

(2.) The Council shall before the final passing of the proposed By-Law publish a copy thereof in some public newspaper, published within the said Municipality, or, if there be no such newspaper, in some public newspaper near the Municipality, and such publication shall be continued in at least one number weekly of such newspaper for three successive weeks, and shall also put up a copy of the By-Law at four or more of the most public places of the Municipality.

(3) Appended to each copy shall be a notice signed by the Clerk of the Council stating that such is a true copy of the proposed By-law which will be taken into consideration after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held.

(4) The Deputy Returning Officer shall open the polls at the day and hour named and record the votes as provided in elections under this Ordinance and shall also make returns as hereinbefore provided.

113. The Council shall by a By-law fix a time and a place when the Clerk of the Council which proposed the By-law shall sum up the number of votes given for or against the By-law and a time and a place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the Clerk on behalf of the persons interested in promoting or opposing the passage of the By-law respectively.

114. At the time and place named the Chairman of the Council shall appoint in writing one or more persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the By-law and a like number on behalf of the persons desirous of opposing the By-law.

115. Ratepayers entitled to vote on any By-law requiring the assent of the ratepayers shall be those so duly qualified and assessed on the last revised assessment roll for not less than six hundred dollars either by himself or his wife or whose wife is a leaseholder of real property within the Municipality of such value and who is rated on the last revised assessment roll therefor and which lease extends for a period of time for which the debt to be contracted or the money to be raised by such By-law is made payable and by which lease the lessee has covenanted to pay all Municipal taxes in respect of the property leased and which person is named on the last revised voters' list.

116. The oaths to be submitted to voters shall be in form similar to those administered to electors when voting for Municipal Councillors.

117. The Clerk after he has received certified returns from the Deputy Returning Officers of the number of votes given at each polling place shall at the time and place appointed by the By-law, in the presence of the persons authorized to attend or such of them as may be present, sum up from such statements the number of votes for and against such By-law, and shall then and there declare the result and forthwith certify to the Council under his hand whether the majority of the electors voting upon the By-law approved or disapproved of the same.

118. Any By-law which is carried by a majority of the duly qualified electors voting thereon, shall within six weeks thereafter be passed by the Council which submitted the same.



119. No By-law requiring the assent of the electors shall come into operation within two months after the final passing thereof by the Council.

120. Any elector, in his own name, may, by a petition presented to a Stipendiary Magistrate, or to any court of competent jurisdiction, demand and obtain, on the ground of illegality, the annulment of any By-law passed under the provisions of this Ordinance, with costs against the Municipality.

121. The annulment of part only of a By-law may be demanded in the same way.

122. The petition must set forth in a clear and precise manner the reasons alleged in support of the demand, and must be accompanied by a certified copy of the By-law, if such copy can be obtained, and if such copy cannot be obtained by the applicant, the Stipendiary Magistrate or Court may order the Clerk of the Municipality or any person in whose custody such By-law may be, to produce such copy duly certified, and the person so ordered is for this purpose deemed to be an officer of the Court which gives such order.

123. A copy of such petition must be served on the Clerk of the Municipality, and upon the Chairman of the Municipality, or in the absence of either of them the same may be served on any grown up person at their or either of their domiciles, at least eight days before it is presented to the Stipendiary Magistrate or Court, and such copy shall state at what day, hour and place, the said petition shall be presented to the Stipendiary Magistrate or Court.

124. No application to quash or annul any such By-law in whole or in part shall be entertained by any Stipendiary Magistrate or Court, unless such application is made within six months from the passing of such By-law, except in the case of a By-law requiring the assent of electors or ratepayers when such By-law has not been submitted or has not received the assent of such electors or ratepayers, and in such case an application to quash such By-law may be made at any time.

125. Any By-law, the passage of which has been procured through or by any one or more of the following means, that is to say: The offering or promise or giving or lending or agreeing to give or lend any money or any valuable consideration, or the giving or procuring or agreeing to give or procure any office or place of employment to or for any voter or to or for any person on behalf of any voter or to or for any person in order to induce any voter to vote or refrain from voting, or the giving either directly or indirectly of any loan, offer or promise of any kind whatsoever, as an inducement to vote or refrain from voting, or to induce another so to do, or making or using any threats of force, violence or restraint, or the infliction thereof by any one or through any one of any injury, damage or loss, or the practice of intimidation of any kind against any person in order to induce or compel such person to vote or

refrain from voting, or preventing or interfering in any way, directly or indirectly, with the free exercise of the franchise of any voter, or the giving of any liquor or intoxicating fluid of any kind for the purpose of inducing any person to vote or refrain from voting, shall be liable to be quashed upon any application made in conformity with the provisions herein contained.

126. Before determining any application for the quashing of any By-law, if it is made to appear to the Stipendiary Magistrate or Court that probable grounds exist, he may make an order for an enquiry to be held, upon such notice to the parties affected as he may direct, concerning the same.

127. After an order has been made by a Stipendiary Magistrate or Court directing an enquiry, and after a copy of such order has been served as herein provided, all further proceedings on the By-law shall be stayed until after the application in respect of which the enquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Stipendiary Magistrate or Court, he may remove the stay of proceedings.

#### BY-LAWS FOR CREATING DEBTS.

128. Every Municipality may, under the formalities required by this Ordinance, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts on the ratable property of the Municipality for any purpose within the jurisdiction of the Municipality, but no such By-law shall be valid which is not in accordance with the following provisions and restrictions, except in so far as is otherwise provided by the two next sections of this Ordinance:

(1) The By-law, if not for the purpose of creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the By-law is to take effect;

(2) If not contracted for lighting, drainage or water works, or for purchase of public works, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at the furthest from the day on which the said By-law takes effect, and if the debt is contracted for lighting, drainage or waterworks the same shall in like manner be paid in thirty years at furthest from the day in which the By-law takes effect;

(3) The By-law shall settle an equal annual rate in addition to all other rates to be provided in each year for paying the debt and interest;

(4) Such special rate shall be sufficient according to the amount of ratable property appearing by the last revised assessment roll, to discharge the debt and interest when respectively payable;

(5) No future increase of the ratable property within the Municipality, nor any extra income of any nature or interest whatsoever from any work whatsoever, stock, share or interest therein, shall be taken into account in estimating the ratable property;

(6) The By-law, unless it is for a work payable by local assessment,

shall recite the amount and object of the debt, the amount to be raised annually, the value of the ratable property according to the last revised assessment roll, the amount of the existing debt of the Municipality, the interest and principal separately, and how much, if any, of each is in arrear, and the annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt according to this Ordinance, or, in case the debt is payable by annual instalments of interest and principal as they respectively become due.

129. If the By-law is for work payable by local assessment it shall recite,

(1) The amount of the debt which such By-law is intended to create and the object for which it is to be created;

(2) The total amount required by this Ordinance to be raised annually by special rate for paying the debt and interest under the By-law;

(3) The value of the whole real property ratable under the By-law as finally determined as aforesaid;

(4) The annual special rate in the dollar, or in the case of towns and cities, on the foot frontage or otherwise, as the case may be, for paying the interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the provisions of this Ordinance; or in case the debt is payable by instalments annually, for paying the same, principal and interest, respectively as they become due;

(5) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

130. In any case of passing a By-law for contracting a debt or borrowing money for any purpose, the Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period, in no case to exceed thirty years, as hereinbefore provided, within which the debt is to be discharged, such instalments to be of such amount that the aggregate amount payable as principal and interest in any year shall be equal, as nearly as possible, to what is payable for principal and interest during each of the other years of such period, and may issue the debentures of the Municipal corporation for the amounts and payable at the times corresponding with such instalments together with interest, as may be provided in such By-law.

131. Such By-law shall set forth the annual special rate to be raised in each year during the currency of the debt, which shall be sufficient according to the amount of ratable property appearing by the last revised assessment roll to discharge the several instalments of principal and interest accruing due on said debts as the said instalments become respectively payable according to the terms of such By-law; and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund.

132. No officer of any Municipality shall neglect, or refuse to carry into effect any By-law for paying a debt under cloak of a By-law illegal-



ly attempting to repeal such first By-law, or to alter the same so as to diminish the amount to be levied under it.

## TOWNS.

133. If at any time the inhabitants of a portion of a Municipality, or if at any time the inhabitants of a part of a Township, or of two or more Townships, or parts of townships and parts of Municipalities joining the other and sub-divided into lots as defined in this Ordinance, should desire incorporation as a Town, they may become so in manner hereinafter provided, and they shall have all the ordinary powers of Municipal Corporations, and such as are conferred by this Ordinance.

134. In the case of a portion of a Municipality desiring incorporation as a Town a petition of two-thirds of those whose names appear on the last revised assessment roll resident within the area proposed to be erected, and in every other case as hereinbefore provided, a petition of two-thirds of those qualified to vote at the first election for Councillors under this Ordinance, shall be necessary.

135. The said petition shall be presented to the Lieutenant-Governor, together—in case the proposed town is included in one or more Municipalities—with a diagram showing the proposed boundaries and area, and defined as Township, Section and Range, stating what portion thereof is surveyed into lots, also a census of the whole of the area to be incorporated, the proposed division into wards, if desired, and a statement showing,

- (1.) The total liabilities and assets of each Municipality interested;
- (2.) The total assessed value of all the property in each of the Municipalities;
- (3.) The total assessed value of all the property in the area proposed to be incorporated;
- (4.) The total value of Municipal property in each of the Municipalities interested, and
- (5.) The total value of Municipal property within the proposed area.

136. Every application for incorporation as a Town under this Ordinance shall be accompanied by the sum of one hundred dollars, which shall belong to the general fund of the North-West Territories.

137. All census returns, petitions, statements, and any other documents furnished or proposed to be furnished for incorporation of Towns, shall be certified and sworn to before a Justice of the Peace for the North-West Territories.

138. On receipt of the petition, the Lieutenant-Governor shall cause a notice to be inserted in a paper published within the area proposed to be incorporated, or if there be not one, then in a paper published nearest the place proposed to be incorporated, weekly for four consecutive weeks, setting forth his intention of erecting (here describe the area) into a Town, (here naming the town as in the petition), and shall there-

after order the election of a Provisional Council of five Councillors to serve as such until the 31st of December then next, or until their successors take office.

139. The Provisional Council after having elected their Chairman shall proceed to the election of Clerk, and shall in all respects have all and every the powers conferred upon Municipal corporations by the provisions of this Ordinance, except the passing of By-laws for bonuses, or any matter to be submitted to the ratepayers for ratification.

140. In case the Town so erected forms part of one or more Municipalities, and in case of there being any matters in dispute, such as the arranging of existing debts or the distribution of Municipal property, it shall be the duty of the Provisional Council to forthwith appoint by By-law one or more persons to act as Arbitrators, to whom such matters shall be referred for final determination as provided in this Ordinance.

141. When the award of the Arbitrators has been finally ratified by the Councils of the Municipalities concerned, or when the matters in dispute have been otherwise settled, the head of the Corporation, shall notify the Lieutenant-Governor, who shall then issue a proclamation erecting the area into a Town, which shall thereafter elect a Mayor and Council as provided in the next section.

142. In case the Town for which incorporation is proposed forms no part of an existing Municipality, after the notice of insertion has been made as hereinbefore provided, the Lieutenant-Governor shall issue a proclamation erecting the same into a Town as provided, and ordering the election of Mayor and Councillors, who shall hold office until the 31st December next ensuing, or as provided in Section 138 of this Ordinance.

143. No town shall be erected under this Ordinance unless the same shall have a resident population of 300 or over, nor having an area of less than 320 acres, nor more than 2560 acres.

144. Nothing in this Ordinance shall affect the liability already incurred of the Town to contribute to schools.

145. In all elections under this Ordinance where there is not a last revised assessment roll, the persons qualified to vote at a Municipal election shall be those entitled to vote as provided by Section 7 of this Ordinance, but no longer time shall elapse between the nomination and election than one week.

146. All towns erected under this Ordinance shall be Incorporated Municipalities within the meaning of the same.

147. In addition to the powers possessed by Municipalities as provided in Section 25 of this Ordinance, the Council of the Town shall have power to pass By-laws;

(1.) To establish a fire department; to appoint the officers thereof,

regulate and provide their remuneration and prescribe their duties ;

(2.) To provide protection from fire by the purchase of engines and equipment for the extinguishment and suppression of fires ;

(3.) To compel the inhabitants to assist and aid in the extinguishment of fires ; to pull down and raze buildings in the vicinity of fires, for the purpose of preventing the spreading of the same ;

(4.) To regulate fire districts ;

(5.) To make fire limits within which wooden buildings may not be erected ;

(6.) Generally to establish such measures as the safety and welfare of the Town may require for the prevention and extinguishing of fires ;

(7.) To purchase, control, erect or build parks and cemeteries ;

(8.) To control and build sewers, drains, ditches and water-courses ;

(9.) To build and repair sidewalks ;

(10.) To prevent the incumbering of streets or other public places by buggies, vehicles, wagons, agricultural implements, lumber and other articles ;

(11.) To regulate the rate or pace of driving within the Town ;

(12.) To compel the removal of dirt, filth, dust or rubbish off the streets, lanes, alleys or by-ways, by the party depositing the same, or by the owner or occupant before whose property it is, or in default, to order the same at his expense ;

(13.) To compel the removal of anything deemed dangerous to the lives of the inhabitants ;

(14.) To license porters, draymen, hackmen, omnibus-drivers and guides, and regulate the same ;

(15.) To establish markets and restrain selling on the streets ;

(16.) To license or prohibit shows, circuses, theatres or caravans ;

(17.) To create a Board of Health, and to define and regulate their duties ;

(18.) To license refreshment houses, hotels and places of public resort or accommodation ;

(19.) To build waterworks and regulate the same, but not to grant exclusive privileges for the same ;

(20.) To erect lamp posts and lamps, and provide for lighting the Town ;

(21.) To appoint policemen, watchmen and patrols, and regulate and define the duties for the same ;

(22.) To make and regulate the use of public wells, cisterns and reservoirs ;

(23.) And generally to make and establish all such By-laws and regulations for the government and good order of the Town, the suppression of vice and immorality, the protection of property, the benefit of trade and commerce, and the promotion of health not inconsistent with the Ordinances of the North-West Territories, as they shall deem expedient.

148. The Council shall be a Board of Health, and as such may provide hospitals and regulate the burial of the dead ; may remove or cause to be removed any unwholesome or nauseous thing ; may regulate the location and management of slaughter-houses, subject to any Ordinance of the North-West Territories ; may require the owners or occupants of



lands to remove dead animals, stagnant water or other unwholesome thing, and prevent the putting of anything into any stream or pond, or body of water within the Town, which may be deemed prejudicial to the health thereof.

149. The Council may, in addition to the other Municipal officers authorized by this Ordinance, appoint a Street Surveyor, whose duty it shall be, under authority of the Council, to oversee all work on streets, alleys, lanes, by-ways, sidewalks, drains, water courses and ditches, and generally any work to be done of a public nature.

150. The Council of every Town may by resolution and By-law assess against the property of owners to be benefited thereby: The whole or any part of any public improvement or work such as the laying out or widening of any street, lane, alley or by-way, public square, building site, walks, grading or paving streets, building or enlarging drains, sewers, water courses and ditches, and appropriate land therefor, the property of individuals, both within and without the Municipality, but nothing in this Ordinance shall be taken to allow a Council to enter on or appropriate any land the property of another, without first paying the owner thereof the value thereof in full, the same to be determined by reference as in this Ordinance provided.

151. Every assessment made under authority of the preceding section for work or improvement or repairs to be done, shall be made by the Street Surveyor.

152. The assessment shall be made upon such property as he deems is directly benefited by such improvement, and no such work or improvement shall be undertaken unless by a petition to the Council of two-thirds of the number of those to be benefitted thereby, and who would be assessed therefor, except in case of repairs to work done previously and for which property owners have contributed, and then only in a sum not exceeding \$200, which shall be ratably assessed on the basis of the original assessment.

153. Assessments made under the three preceding clauses shall be signed by the Mayor and Clerk and published weekly for four consecutive weeks in some newspaper published in the Town, or if there be none, then in the newspaper published nearest the Town in which the assessment is made, and in all other respects as to notice, demand, appeal, provision and collection, shall be subject to the provisions of this Ordinance.

154. The Mayor and Council shall be the Court of Revision of the Town.

155. The rate in any year to be levied against property of every kind in Towns, including improvement tax, general fund, local fund and school rates, together with interest on the debt and sinking fund shall not exceed two and a half cents on the dollar.

## CITIES.

156. A Town may be erected into a City at any time as hereinbefore provided for the erection of Town Municipalities out of existing Municipalities, provided always that there be not less than 2,000 of resident population.

157. A City erected under this Ordinance shall be governed by a Mayor elected by the City, and a board of Aldermen not exceeding seven in any case.

158. Elections in Cities shall be held as hereinbefore provided for Towns and other Municipalities.

159. Nothing in this Ordinance shall prevent the Council of the North-West Territories, or the Legislative Assembly from erecting Cities by Special Ordinance and of passing a special Ordinance incorporating the same.

160. The sum of two hundred dollars must accompany every petition for the erection of a City which sum shall belong to the general fund of the North-West Territories.

161. Every Municipality erected under this Ordinance shall have a corporation seal which shall be kept in the custody of the Clerk of the Municipality.

## ROAD OVERSEERS.

162. The Clerk of every Municipality shall within one week after the final revision of the assessment roll deliver to the Road Overseer or Road Overseers appointed by the Council a list of all parties assessed and liable for statute labor within their respective divisions, and the amount of statute labor for which each of such parties is liable.

163. It shall be the duty of the Road Overseer, so soon thereafter as convenient, to notify parties liable for the performance of such statute labor of the same and to call upon them to attend him at a certain time and place to perform the labor imposed upon them by the Council.

164. All statute labor imposed by this Ordinance shall be done, under the direction of the Road Overseer, who shall be liable to the Council for the due performance of the same, and shall report to the Council any refusal or neglect of parties assessed to perform the labor imposed upon them.

165. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable at the rate of two dollars per day. Every other person liable for the performance of statute labor under this Ordinance shall within fourteen days after the final revision of the assessment roll notify the Clerk in writing of his inten-

tion to commute the same by the payment as hereinbefore provided, or, failing to do so, he shall be deemed bound to perform the amount of statute labor imposed upon him when called upon by the Road Overseer, or at such other time as he may direct.

166. Any person liable for the performance of statute labor, except as hereinbefore provided, neglecting or refusing to perform the same when called upon so to do by the Road Overseer appointed by the Council, shall be liable to a penalty of four dollars per day for every day of statute labor imposed upon him which he shall so neglect or refuse to perform, which penalty may be recovered in a summary manner before a Justice of the Peace.

167. All statute labor to be done under this Ordinance shall be performed on the public roads of the Municipality, or on the bridges, drains, ditches or water-courses therein, to benefit and improve the same.

#### POUNDKEEPERS.

168. The Council of every Municipality shall pass By-laws for regulating the remuneration, fees, charges and duties of Poundkeepers and the security to be given by them for the performance of the same.

(1.) The providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the Poundkeeper to impound.

(2.) For restraining and regulating the running at large or trespassing of any animals and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time or in case the damages, fees and expenses are not paid.

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to By-law.

(4.) For determining the compensation to be allowed for services rendered in carrying out the provisions of any By-law with respect to animals impounded or distrained and detained in possession of the distrainer.

#### OATHS AND DECLARATIONS TO BE TAKEN UNDER THIS ORDINANCE.

169. Every person elected or appointed under this Ordinance to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office or enters on his duties, make and subscribe a solemn declaration to the following effect :

I, A. B., do solemnly declare that I am a British Subject and have to my own use and benefit, in my own right (or in the right of my wife) as proprietor or tenant at the time of my election or appointment, as the case may be, to the office of \_\_\_\_\_ hereinafter referred to, such an estate as does qualify me to act in the office of \_\_\_\_\_ and that such estate is (naming the nature of it) and is of the value of \_\_\_\_\_ dollars over and above all charges, liens, and incumbrances affecting the same.

Signed

A. B.

170. Every Returning Officer, Deputy Returning Officer and Poll Clerk and every member of the Municipal Council, Mayor, Chairman,



Clerk, Assessor, Collector, Constable and other officer appointed by the Council shall, before entering on the duties of his office, make and subscribe a solemn Declaration to the following effect :

I, \_\_\_\_\_, do solemnly declare and promise that I will truly faithfully and impartially, to the best of my knowledge and ability, execute the office of \_\_\_\_\_ to which I have been elected or appointed, (as the case may be) in this Municipality and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office and that I have not by myself nor on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

171. The solemn Declaration to be made by every auditor shall be as follows :

I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of \_\_\_\_\_ do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability, and I do solemnly declare that I had not, either directly or indirectly, any share or interest whatever in any contract with, by or on behalf of such Municipal Corporation during the year preceding my appointment, (except as Auditor, if such be the case), and that I have not any contract with the said Corporation except that of Auditor for the present year.

172. The head and every member of the Council and the subordinate officers of every Municipality shall make the Declaration of Office and Qualification before some Justice of the Peace or Notary Public, not being a member of the Council, and the Justice of the Peace or Notary Public shall give the necessary certificate of the same having been duly made and subscribed.

#### CERTIFICATE OF ELECTION.

173. The returning Officer shall furnish, as hereinbefore provided, to every person declared elected under this Ordinance, the following certificate :

I, A. B., \_\_\_\_\_ for the Municipality of \_\_\_\_\_ hereby certify that the votes cast at the respective polling sub-divisions of (here name the divisions) at the election for Councillor (or as the case may be) now holden was for A. B., \_\_\_\_\_, C. D., \_\_\_\_\_, E. F., \_\_\_\_\_, and that A. B. is elected for Mayor, Councillor, (or as the case may be) to serve (one year, two years or as the case may be), or that C. D. is elected, as the case may be.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

G. H.  
Returning Officer.

#### GENERAL PROVISIONS.

174. Every Municipality shall have jurisdiction over all Township lines and roads within the same and the Lieutenant-Governor, or Lieutenant-Governor in Council, may give a Municipality jurisdiction over any roads dividing Municipalities or adjacent thereto when not dividing Municipalities, and may determine what portion of roads dividing Municipalities erected under this Ordinance shall be within the jurisdiction of each.

175. Municipalities may control Ferries erected or authorized by them within their jurisdiction and pass By-laws regulating the fees to

be collected thereon, and in case of a stream dividing Municipalities the Lieutenant-Governor in Council shall determine which Municipality shall have jurisdiction over the same.

176. A candidate for election as Councillor or Mayor or any five voters under this Ordinance may within fourteen days after the Declaration of Election by the Returning Officer protest the right of a Councillor or Mayor declared elected to act as such by serving a notice on the Clerk of the Municipality, and on the person whose seat is protested, in writing, on any ground hereinbefore set forth, but the party whose seat is protested shall continue to hold office if declared elected until the final determination of the matter by the Stipendiary Magistrate.

177. All proceedings under the above section shall be had by petition before a Stipendiary Magistrate, in which shall be set forth the facts and reasons alleged in support of the protestation, and the Stipendiary Magistrate shall hear such evidence as may be adduced and thereupon may amend the Declaration of the Returning Officer or confirm the same, or declare the election void, and order a new election with such costs against either party as he may determine.

178. No Municipal Council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration.

179. All officers appointed by a Council shall hold office until removed by the Council, as expressed by By-law appointing the same, and shall, in addition to the duties assigned to them in this Ordinance, perform all other duties required of them by Ordinance of the North-West Territories.

180. It shall be the duty of the Clerk of every Municipality on or before the first day of April in each year, to transmit to the Lieutenant-Governor a list of all persons elected as Councillors, together with a list of the officers of the Municipality appointed by By-law, the same to be signed by the head of the Municipality, and the Clerk, and on or before the first day of December in each year, a list showing the total number of persons assessed in the Municipality, the number of acres under cultivation, the value of real property, the value of personal property, the total amount of taxes imposed by By-law, the debenture debt of the Municipality, the total assets of the Municipality, the total liability of the Municipality, the total revenue from sources other than assessment, the total amount collected for school purposes, the total amount expended on roads and bridges, and a detailed list of the salaries paid by the Municipality.

181. The Municipal Council, in addition to defining the duties of its officers shall exact security from them for the faithful performance thereof, and shall be responsible for the acts of the officers appointed by them in the execution of the functions in which they are employed, and also for all damages resulting from their refusal to discharge or negligence in discharging their duties or for any malfeasance of office, saving their recourse against such officers.

182. Municipal officers shall be liable for their acts, and for damages arising from their refusal or neglect to discharge their duties to the Municipality, only save in so far as penalties incurred by them are concerned, which may be recovered as by Ordinance provided.

#### ARBITRATIONS.

183. The appointment of all Arbitrators shall be in writing under the hand of the appointers, or, in the case of Municipalities, under the corporate seal, and authenticated in like manner as By-laws.

184. Where Arbitration is directed by this Ordinance, either party may appoint an Arbitrator and give notice thereof in writing to the other party, calling upon him to appoint an Arbitrator on his behalf, and a notice to a Municipality shall be given to the head thereof.

185. The two Arbitrators appointed by or for the parties, shall within seven days from the date of the appointment of the last named Arbitrator, appoint in writing a third, in case the two appointed are not able to come to a final determination.

186. Where more than two parties are interested, each of them shall appoint an Arbitrator, and if there should be an equal number of Arbitrators, the Arbitrators so appointed shall appoint another, or in default, at the expiration of twenty-one days after the last of such Arbitrators has been appointed the Lieutenant-Governor in Council, or the Lieutenant-Governor, may on application of any one of the parties interested, appoint such Arbitrator.

187. In any case of neglect or refusal of any party to appoint an Arbitrator, when notified so to do, or in case of two parties appointed and being unable to agree upon a third, the Lieutenant-Governor shall, upon application of any one of the parties interested in such arbitration, appoint a party or parties to act for and on behalf of the party so refusing, or a third Arbitrator, as the case may be.

188. Within ten days after the appointment of the third Arbitrator, the Arbitrators appointed shall meet to hear and determine the matter referred to them.

189. In any of the cases hereinbefore provided, the Arbitrators shall make their award within one month after the appointment of the third Arbitrator.

190. No member, officer or person in the employment of any Municipality interested in any arbitration shall be appointed to act as such Arbitrator.

191. Every Arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath before any Justice of the Peace or Notary Public :



I, A. B., do swear that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge, So help me God.

192. All evidence taken by any Court of Arbitration under this Ordinance, shall be taken on oath, and any Arbitrator is hereby empowered to administer the same.

193. A majority of the Arbitrators so appointed shall make the award, and a copy thereof shall be furnished to each of the parties interested in the matter referred to Arbitration.

194. The Arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may direct the payment of a fixed sum. See Schedule "A" to this Ordinance.

195. Full notes of the evidence taken by Arbitrators under this Ordinance shall be made, and, together with any documents submitted in proof of any allegations made on behalf of parties interested, shall be retained by the Chairman of the Court of Arbitration, or until an order is issued by a Stipendiary Magistrate or some court of competent jurisdiction to produce the same in case of an appeal from the decision of the Arbitrators.

196. Every award under this Ordinance shall be in writing, and under the hands of all or of a majority of the Arbitrators, and shall be subject only to the jurisdiction of a Stipendiary Magistrate, or court of competent jurisdiction.

197. An award made by Arbitrators under this Ordinance may be referred back by the Stipendiary Magistrate or Court for amendment or for additional evidence, or may be set aside on questions of law, but not on questions of fact.

198. This Ordinance shall be known and may be cited as "The North-West Municipal Ordinance, 1883."

#### SCHEDULE "A."

Every Arbitrator appointed under this Ordinance shall be entitled to receive a sum for his services of not less than.....	\$10.00 per day of six hours.
Nor more than .....	\$20.00 per day of six hours.
For every meeting where the cause is not proceeded with, but a postponement is made at the request of either party .....	\$4.00
For each hour occupied in such proceedings less or more than six hours .....	At the rate per hour of \$2.00.
For drawing the award .....	Arbitrators may charge \$10.00
For every mile necessarily travelled attending to and going from the meetings of Arbitrators .....	Per mile, 10 cents.

No. 3 of 1883.

---

*An Ordinance to Amend the Administration of Civil Justice Ordinances, 1878 and 1879.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Section one of the Administration of Civil Justice, 1878, is repealed, and the following substituted therefor : There are hereby formed in the North-West Territories four Judicial Districts to be known and distinguished respectively by the numbers, and comprised within the limits following, that is to say :

(1) The First Judicial District shall comprise all that part of the Provisional District of Assiniboia as defined by an Order of the Privy Council of Canada dated the 8th day of May, A. D. 1882, and lying to the east of the fourth principal meridian west.

(2) The Second Judicial District shall comprise all that part of the said Provisional District of Assiniboia lying to the west of the fourth principal meridian aforesaid, and all that portion of the Provisional District of Alberta as defined by the aforesaid Order in Council, lying southerly of the northern boundary of Assiniboia, produced westerly until it strikes the centre of the main stream of the Red Deer River, and thence up stream to its source, and from thence west until it strikes the Province of British Columbia.

(3) The Third Judicial District shall comprise all that portion of the said Provisional District of Alberta, lying to the north of the said Second Judicial District, and all that portion of the Provisional District of Saskatchewan as established by the Order in Council aforesaid, lying west of the fourth principal meridian aforesaid, and including all of the said Territories lying to the north and west of the same, west of the said meridian.

(4) The Fourth Judicial District shall comprise all the remaining portion of the said Provisional District of Saskatchewan and of the said Territories north of the same.

(5) The Lieutenant-Governor may, at any time, by proclamation, divide any one or more of the said Judicial Districts into two or more divisions, and give to each of them an appropriate name, and from time to time the Lieutenant-Governor may, by proclamation, alter the limits and extent of such Divisions.

(6) This Section shall come into force on and after the first day of January, A. D. 1884.

2. Section number two of this Ordinance is hereby amended by expunging the words in inverted commas, "Division No. \_\_\_\_\_," and substituting therefor "\_\_\_\_\_ Division," and by expunging the word "number" in the following line, and substituting the word "name" therefor.

3. Section number three of the last named Ordinance is amended by adding thereto the following words: "Provided that until there is a resident Stipendiary Magistrate in each District, the Lieutenant-Governor may, from time to time, in writing, direct by which Stipendiary Magistrate the Courts in the said District or Districts without a resident Stipendiary Magistrate, are to be presided over."

4. Section number twenty-five of the said Ordinance, is hereby amended, by the striking out all the words after the word "given" and substituting the following words therefor: "The summons, exhibits and all the original papers in the case, a certified copy of all the evidence taken, and of the judgment or decision given, together with (in jury cases) a report of the Stipendiary Magistrate who tried the case, shall be forwarded without delay by the Clerk of the Court, to the Court of Appeal."

5. Section number forty-nine of the said Ordinance is hereby amended by inserting after the word "that," at the end of the sixth line of said section, the following words: "the Deponent has good reason to believe and does verily believe that," and by expunging therefrom the following words: "liable to seizure under execution, for debt," and, "liable to seizure under execution."

6. Section sixty-two of the said Ordinance is amended by adding at the end thereof, "horses, cattle and perishable goods," the subject of Interpleader may, at the request of either party and upon his furnishing sufficient security, be sold by the seizing officer upon ten days notice of sale being given, in the same way as notices of sale under executions against personal property, the proceeds to be paid over to the Clerk immediately after the sale.

7. The schedule at the end of the Administration of Court Justice Ordinance, 1878, intituled, "Table of fees referred to in the foregoing Ordinance," is hereby amended by inserting between the ninth and tenth line, "In special cases the hearing fees to be increased in the discretion of the Stipendiary Magistrate," and before the word "affidavits," in the twelfth line the word "common" to be inserted and after the last mentioned line the words and figures, "affidavits, each in attachment and Replevin \$1.00."

8. Section number three of the Administration of Civil Justice Ordinance, 1879, is hereby amended by inserting after the words "Clerk



“of any Court,” the words “a Notary Public,” and by adding at the end of said section the following words: “and affidavits made outside the limits of the North-West Territories for use in the courts therein, may be made before a Judge of any Court of Record or a Notary Public of the place where the same is sworn to, the seal of the Court presided over by such Judge, or the official seal of such Notary Public, as the case may be, to be affixed thereto, or before a Commissioner appointed for the purpose by the Lieutenant-Governor.”

## NEW SECTIONS.

9. In cases where by law either party to a suit is entitled to have the same tried with the intervention of a Jury, the party demanding a Jury shall, on filing his demand for a Jury with the Clerk of the Court, deposit with him such sum as the said Clerk considers sufficient for the payment of Jurors' fees and of the expenses of summoning the jury, and the Clerk shall, after the trial, pay the said Jury and summoning fees, and, if any balance of the money so deposited with him remains unused after paying such fees, the Clerk shall return such balance to the party who deposited the same. Jurors shall be entitled to receive the same fees and mileage allowance as those allowed to witnesses.

10. At the opening of any sitting of the Court, the Stipendiary Magistrate presiding at such Court shall cause the parties to every suit entered upon the Court List to be called by the Clerk in rotation, to ascertain which, if any, of the cases on the said list are contested, and whenever a Defendant disputes the Plaintiff's claim, the presiding Stipendiary Magistrate shall require the Defendant to state the nature of the defence in writing, which statement if then held a good ground of defence shall, with the Plaintiff's claim, form the issue or dispute to be tried between the parties to the suit, and for the purpose of fixing the issue, the Stipendiary Magistrate may examine either or both parties under oath. When fixed, a day shall be set for trial of such issue or issues, or the trial may be proceeded with at once.

11. Whenever in a contested case a Counsel or Attorney or Agent has been employed by the successful party in the conduct of the cause or defence, the Stipendiary Magistrate may, in his discretion, direct a fee of Five Dollars, to be increased according to the difficulty and importance of the case, to a sum not exceeding One Hundred Dollars, to be taxed to the successful party, and the same, when so allowed, shall be taxed by the Clerk and added to the other costs.

12. The costs of all proceedings shall, (unless otherwise ordered by the Stipendiary Magistrate who tried the cause,) follow the event.

13. In case the Plaintiff or Defendant in any action is desirous of having at the trial thereof, the testimony of any aged or infirm person, resident within the Territories, or if any person who is about to withdraw therefrom, or who is residing without the limits thereof, the Stipen-

diary Magistrate may, upon the motion of such Plaintiff or Defendant, supported by affidavit, and upon hearing the parties, order the issue of a Commission or Commissions to a Commissioner or Commissioners, to take the examination of such person or persons respectively. Due notice of every such Commission shall be given to the adverse party, to the end that he may cause the witnesses to be cross-examined.

14. In case such Commission, with such evidence certified to by the Commission or Commissioners, is returned to the Court, the same shall *prima facie* be deemed to have been duly taken, and shall be received as evidence in the cause unless it is made to appear to the Court before which the same is offered in evidence, that the same was not duly taken, or that the deponent was of sound mind, memory and understanding, and living within the jurisdiction of the Court at the time the examination is offered in evidence to such Court.

No. 4 of 1883.

---

*An Ordinance respecting Partnership.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:

## REGISTRATION OF CO-PARTNERSHIPS.

1. All persons who at the time of the passing of this Ordinance or who hereafter may be associated in partnership for trading, manufacturing or mining purposes in the North-West Territories, shall cause to be delivered to the Registrar of the District in which they carry on, or intend to carry on business, a declaration in writing signed by the several members of such partnership; provided, however, that if any of the said members be absent from the place where they carry on or intend to carry on business at the time of making such declaration, then such declaration shall be signed by the members present in their own names, and also for their absent co-members, under their special authority to that effect; such special authority to be at the same time filed with the said District Registrar and annexed to such declaration.

2. Such declaration shall be in the form or to the effect of schedule "A" to this Ordinance, and shall contain the names, surnames, additions and residences of each and every partner, or associate, as aforesaid, and the name, style or firm under which they carry on, or intend to carry on such business, and stating also the time during which the partnership has existed and is to exist, also declaring that the persons therein named are the only members of such co-partnership or association.

3. Such declaration shall in case of existing partnerships be filed within six months after the passing of this Ordinance, and in the case of partnerships formed after the passing of the same, such declaration shall be filed within six months next after the formation of any such partnership, and a similar declaration shall, in like manner be filed when and so often as any change or alteration of partnership shall take place in the membership of such partnership or in the name, style or firm under which they intend to carry on business, or in the place of residence of each member of said firm, and every new declaration shall state the alteration in the partnership.



4. Every person who hereafter may be engaged in business for trading, manufacturing, or mining purposes, and who is not associated in partnership with any other person or persons, but who uses, as his business style, some name or designation other than his own name, or who in such business uses his own name with the addition of "and Company," or some other word or phrase indicating a plurality of members in the firm, shall cause to be delivered to the Registrar aforesaid, a declaration of the fact in writing signed by such person.

5. The declaration last aforesaid shall contain the name, surname, addition and residence, of the person making the same, and the name, style or firm under which he carries on, or intends to carry on business, and shall also state that no other person is associated with him in partnership, and the same shall be filed within six months after the passing of this Ordinance, or within six months of the time when such style is first used.

6. It shall be the duty of the Registrar aforesaid, to keep two Alphabetical Index Books of all declarations of co-partnership, delivered to him in pursuance of the provisions hereof.

7. In one of such books hereinafter called the "Firm Index Book," the said Registrar shall enter in alphabetical order, the style of the respective firms, in respect of which declarations have been delivered to him, and shall place opposite each entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration, in the manner shown in the "Firm Index Book," a form of which is shown in the schedule hereto marked "B."

8. In the second of such books, hereinafter called the "Individual Index Book," the said Registrar shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in the "Individual Index Book," a form of which is shown in the schedule hereto marked "C."

9. Each and every member of any partnership, or other persons requiring to register a declaration under the provisions of this Ordinance, as aforesaid, who fails to comply with the requirements aforesaid, shall forfeit the sum of one hundred dollars, to be recovered before any court of competent jurisdiction, by any person suing as well on his own behalf as on behalf of Her Majesty; and half of such penalty shall belong to the Crown for the use of the North-West Territories, and the other half to the party suing for the same, unless the suit be brought as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the use aforesaid.

10. The allegations made in the declarations aforesaid, shall not be controvertible, as against any party by any person who shall have signed the same, nor as against any party not being a member of the partner-

ship by any person who shall have signed the same or who was really a member of the partnership therein mentioned, at the time such declaration was made.

11. Until a new declaration is made and filed by him, or by his co-partners, or any of them as aforesaid, no such signer shall be deemed to have ceased to be a partner; but nothing herein contained shall exempt from liability any person, who being a partner, fails to declare the same as already provided, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and if judgment is recovered against them, any other partner or partners may be sued jointly or severally, in an action on the original cause of action, upon which such judgment was rendered, nor shall anything in this Ordinance be construed to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof.

12. Upon the dissolution of any partnership, any or all of the persons who composed such partnership, may sign a declaration certifying the dissolution of the partnership; such declaration may be in the form of schedule "D." to this Ordinance.

13. If any person shall be associated as partners for trading, manufacturing or mining purposes within the North-West Territories, and no declaration shall have been filed under this Ordinance as aforesaid with regard to such partnership, then any action which might be brought against all the members of the partnership, may also be brought against any one or more of them, as carrying on or having carried on business jointly with others in the North-West Territories, without naming such others in the writ or summons under the name and style of their said co-partnership, and if judgment is recovered against him or them, any other partner or partners, may be sued jointly or severally on the original cause of action, on which such judgment is recovered. Provided always, that if any such action be founded on any obligation or instrument in writing, in which all or any of the partners bound by it shall be named, then all the partners named therein shall be made parties to such action, and any judgment recovered against any member of such existing co-partnership, for a partnership debt or liability, may be executed by process of execution against all and every the partnership stock, property, assets and effects, in the same manner and to the same extent as if judgment had been recovered against such co-partnership.

14. The said Registrar shall be entitled for filing a declaration under this Ordinance, to a fee of fifty cents, and for searches made in each of such books, the following fees, and no more:

For searching in the Firm Index Book, each firm.....	Ten Cents.
For searching in the Individual Index, each name.....	Ten Cents.
For each certificate, when required .....	Twenty-five Cents.

15. The following are the forms referred to aforesaid:

## SCHEDULE A.

## DECLARATION OF CO-PARTNERSHIP.

NORTH-WEST TERRITORIES, } We,  
District of

of in (occupation), and of (occupation),  
hereby certify,

1. That we have carried on and intend to carry on trade and business as at  
in partnership under the name and firm of . (Or I or we) the  
undersigned, of in hereby certify that I (or we) have carried on and  
intend to carry on trade and business as at in partnership with  
of , and of (as the case may).

2. That the said partnership has subsisted since the day of , one  
thousand eight hundred and eighty

3. And that we (or I or we) and the said and are and have  
been since the said day the only members of the said partnership.

Witness our hands at this day of one thousand  
eight hundred and eighty

## SCHEDULE "B."

## FIRM INDEX BOOK.

STYLE OF FIRM.	NAMES OF PERSONS COMPOSING THE FIRM, AND THEIR RESIDENCES.	DATE OF FILING DECLARATION.
John Smith & Co. ....	John Smith, Moose Jaw .....	15 Sept., 1883.
James Abbott & Son ....	Edward Ives, Regina .....	
	James Abbott, Calgary .....	10 Sept., 1883.
Bernard & Johnson .....	George Abbott, Calgary .....	
	Arthur Bernard, Troy .....	1 March, 1884.
	Alexander Johnson, Troy .....	

## SCHEDULE "C."

## INDIVIDUAL INDEX BOOK.

NAME OF INDIVIDUAL AND RESIDENCE.	STYLE OF FIRM OF A MEMBER.	DATE OF FILING DECLARATION.
Abbott James, Calgary .....	James Abbott & Son .....	10 Sept., 1883.
Abbott George do. ....	Do. ....	Do.
Bernard Arthur, Troy .....	Bernard & Johnson .....	1st March, 1884.
Johnson Alex., Troy .....	Bernard & Johnson .....	1st March, 1884.

## SCHEDULE "D."

## DECLARATION OF DISSOLUTION OF PARTNERSHIP.

NORTH-WEST TERRITORIES, } I,  
District of

formerly a member of the firm of carrying on business as at  
in the District of under the style of do hereby certify  
that the said partnership was on the day dissolved.  
Witness my hand at the day of one thousand eight  
hundred and eighty



## No. 5 of 1883.

*An Ordinance for the Relief of Indigent Children.*

[PASSED 4TH OCTOBER, 1883.]

Whereas it is expedient to provide for Indigent Children.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. It shall be lawful for the authorities of any school or orphanage in the North-West Territories, maintained as such by any religious body or by voluntary contributions, to receive from the parents, if both parents be alive, or from the survivor of them, or, in the event of the decease of both parents, from the relations or friends in charge thereof, any male child under the age of sixteen years or any female child under the age of fourteen years for the purpose of supporting or educating such child.

2. Any person in the North-West Territories may bring before a Stipendiary Magistrate or two Justices of the Peace, any male child apparently under the age of sixteen years, or any female child apparently under the age of fourteen years, who comes within any of the following descriptions, that is to say :

(1) Who has no home or settled place of abode, or proper guardianship, or visible means of support ;

(2) Who is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment, or who has deserted the said child.

3. The Stipendiary Magistrate or two Justices of the Peace before whom the child is brought, coming within one of the descriptions mentioned in the preceding clauses, or either of them, shall, if satisfied, on enquiry, of the fact and that it is expedient to deal with such child under this Ordinance, order him or her, as the case may be, to be sent to any such institution as may be willing to receive such child, in conformity with the provisions of this Ordinance.

4. In determining on the school or orphanage to which such child shall be sent, the Stipendiary Magistrate or the Justices of the Peace, shall endeavor to ascertain the religious persuasion to which such child belongs,

and shall select a school or orphanage conducted in accordance with the tenets of such religious persuasion, to which the child or its parents or parent belong or belonged, wherever the same shall be possible, and the order shall specify such religious persuasion.

5. If the child shall be utterly ignorant and shall have no knowledge of any religious persuasion or belief, or if it be uncertain to what religious persuasion, his or her parents belong or belonged, such child shall be sent to such school or orphanage as shall be willing to receive him or her.

6. The order shall specify the time for which the child is to be detained in such school or orphanage, which time shall be such as to the Stipendiary Magistrate or Justices of the Peace making such order shall seem proper for the teaching and training of the child, but not in any case extending beyond the time when, if a boy, he attains the age of eighteen years, or, if a girl, the age of twenty years, unless she previously marry.

7. Whenever such child shall be so received, the institution receiving the same shall be bound to give proper nutriment, medical care, clothing and education to such child; and shall be bound so to do until such child shall reach the age of eighteen years, if a boy, or twenty years, if a girl, unless she previously marry, or unless the child shall be discharged from such institution at an earlier age, under the terms of the order mentioned in the preceding section. Provided always that during the whole term of such teaching and training the rights, power and authority of the parent or parents of such child shall cease, and shall be vested in and exercised by the managers of the institution, having the charge of the child.

8. Before receiving any child under the provisions of the first section of this Ordinance, it shall be the duty of the officers charged with the management of the institution, wherein such child is proposed to be received, to explain to the parents or parent, relations or friends of such child, that the institution is bound to, and will maintain and educate such child, until he or she arrives at the age of eighteen or twenty years, as the case may be, and that if such parents or parent, relations or friends voluntarily place such child in the said institution, they shall be bound to leave such child under the care and guardianship of such institution, until the age of eighteen or twenty years, as the case may be, unless such child shall be ordered to be given up to the parent or parents, friends or relations thereof in manner hereinafter provided.

9. In case any such institution refuses to give up such child at the demand of the parents or parent, relations or friends, such parents or parent or relations or friends may by application to a Stipendiary Magistrate, or two Justices of the Peace, after due notice of such application being given to the institution having charge of such child, appear before such Stipendiary Magistrate or Justices of the Peace to support the said application and if proved that the parents

or parent, relations or friends are fit and proper person or persons to take charge of the child, then the said Magistrate or Justices of the Peace shall, upon good and sufficient reason being shown, order the child to be restored to the custody and control of such parents or parent, relations or friends.

10. It shall be the duty of every such institution, to keep a register of all the children so received, the date and particulars of their reception, name, age and particulars of their condition, their death or removal from such institution, the nationality or tribe to which they belong, and to transmit to the Lieutenant-Governor yearly in the month of January an abstract of such register.

11. In every case in which by the provisions of this Ordinance, it shall be lawful for the authorities of any school or orphanage, to receive any child as hereinbefore provided, it shall be lawful to place such child in charge of any private individual, who may be willing to receive the same, but in every such case it shall be necessary to obtain an order from a Stipendiary Magistrate or two Justices of the Peace, approving the same, which order shall not be granted until it shall be proved before such Stipendiary Magistrate or Justices of the Peace, that such individual is a fit and proper person to take charge of such child, and is able and willing to do so.

12. All the sections of this Ordinance having reference to a minor in charge of any school, orphanage or institution, shall apply to a minor placed under the guardianship of an individual.

13. Any Stipendiary Magistrate or any person appointed by the Lieutenant-Governor, shall have power at all times to visit any such school, institution or orphanage or place where a minor may be held under this Ordinance, and to enquire into the management thereof, and the treatment received by any child detained under this Ordinance.

14. Any person disobeying any order made by a Stipendiary Magistrate or two Justices of the Peace, under the provisions of this Ordinance shall, upon summary conviction thereof, before such Stipendiary Magistrate or two Justices of the Peace, forfeit and pay a fine not exceeding one hundred dollars and in default of payment thereof, and costs forthwith after conviction, be imprisoned for any time not exceeding two months.

15. This Ordinance shall be known as "An Ordinance for the Relief of Indigent Children."



No. 6 of 1883.

---

*An Ordinance to Prevent the Profanation of the Lord's Day.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. No merchant, tradesman, artificer, mechanic, workman, laborer or other person whatsoever, shall on the Lord's Day sell or publicly show forth, or expose or offer for sale or purchase any goods, chattels or other personal property or any real estate whatsoever, or do, or exercise any worldly labor, business or trade of his ordinary calling, travelling or conveying travellers or Her Majesty's mails, selling drugs and medicines and other works of necessity and works of charity only excepted.
2. No person on that day shall play at billiards or pool in any public room, or run races on horseback or in vehicles of any sort.
3. All sales and purchases, and all contracts and agreements for sale or purchase of any real or personal property whatsoever made by any person or persons on the Lord's Day, shall be utterly null and void.
4. Any person convicted before a Justice of the Peace of violating any of the provisions of this Ordinance shall, upon such conviction, be liable to a fine not exceeding one hundred dollars, one half of which fine when recovered shall be paid to the informer.

## No. 7 of 1883.

*An Ordinance Authorizing the Appointment of Notaries Public.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows :

1. It shall be lawful for the Lieutenant-Governor to appoint by commission under his hand and the seal of the North-West Territories, one or more Notaries Public for the said Territories, provided that no appointment shall be made of any person or persons who at the time shall not be actually residing within the said Territories.

2. Every such Notary shall have, use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter parties and other mercantile transactions in the said Territories ; and also of attesting all commercial instruments that may be brought before him for public protestation and otherwise of acting as usual in the office of Notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of Notary Public during the pleasure of the Lieutenant-Governor.

3. For every commission issued under this Ordinance, there shall be payable to the Lieutenant-Governor the sum of ten dollars, to form part of the revenue of the Territories.

4. Ordinance No. 8, of 1878, entitled " An Ordinance Authorizing the Appointment of Notaries Public " is hereby repealed ; but such repeal shall not affect any appointment made, duty accrued, or right acquired under the said Ordinance.

## No. 8 of 1883.

*An Ordinance for the Protection of Game.*

[PASSED 4TH OCTOBER, 1883.]

Whereas it is desirable to protect game in the North-West Territories.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows.

1. No elk, moose, cariboo, antelope, deer or their fawn, or hare shall be hunted, taken or killed, between the first day of February and the first day of September in any year.

2. No plover or snipe shall be shot at, hunted, taken or killed between the fifteenth day of May and the first day of August in any year.

3. No grouse, partridge, pheasant or prairie chicken, shall be shot at, hunted, taken or killed between the first day of March in any year and the fifteenth day of August following.

4. No person shall fire at, hunt, take, kill or destroy any wild swan, wild goose, except wavey, or any kind of wild duck, sea duck, widgeon or teal, between the fifteenth day of May and the fifteenth day of the month of August in any year.

5. No animal or bird named in the foregoing sections except wavey and hares, shall be taken or killed at any time by means of any rope, snare, spring, cage, net or trap of any kind, and no engine shall be, at any time for such purpose, placed, constructed, erected or set, either wholly or in part; and any person finding any engine, so placed, constructed, erected or set, may take possession of or destroy the same, without such person thereby incurring any liability therefor.

6. No person shall at any time disturb, injure, gather or take the eggs of any species of wild fowl mentioned in the preceding section.

7. No mink, martin shall be hunted, trapped or killed between the fifteenth day of April and the first day of November in any year.

8. No person shall hunt, trap or kill



(1) Any otter, beaver or fisher, between the first of May and the first of October in each year.

(2) Any muskrat, between the fifteenth of May and the first day of November in each year.

9. The Lieutenant-Governor or the Lieutenant-Governor in Council, or such person as may be deputed by them for the purpose, may appoint guardians having the power of constables, to enforce the provisions of this Ordinance. And every such guardian so appointed shall forthwith seize all animals or birds mentioned in the preceding sections, or any portion of such animals or birds found by him in the possession or custody of any person during any forbidden period, and which appear to him to have been taken or killed during such period, or by any of the illegal means set forth herein; and he may bring them before any Justice of the Peace, who shall declare them confiscated either in whole or in part.

10. All animals or birds, or portion of animals or birds so confiscated shall belong to the guardian; provided always that the above section shall not operate whenever it shall be established to the satisfaction of the guardian that any animal, bird, or portion of animals or birds so found in the possession of any person, has been killed in the open season or sent from any place outside the Territories.

11. No person except as hereinbefore mentioned shall have in his possession, custody or care any animal or bird already mentioned, or any part of such animal or bird, with the exception of the skin during the period in which by the Ordinance the killing thereof is prohibited, or which appears to have been killed by any of the means forbidden by this Ordinance, but every such animal or bird or any portion or portions thereof may be bought or sold (when lawfully taken). Possession of any animal or bird by any person in the close season, except as otherwise provided in this Ordinance shall be deemed *prima facie* evidence that the same was illegally taken.

12. Every such guardian may cause to be opened or may himself open in case of refusal, any bag, parcel, chest or box, trunk or other receptacle in which he has reason to believe that game taken or killed during the close season, or peltries out of season are hidden.

13. Every offence against any of the provisions of this Ordinance shall be punishable by a fine not exceeding fifty dollars, and not less than five, and recoverable summarily on information or on summons only, issued by a Justice of the Peace or Stipendiary Magistrate, and such Justice of the Peace or Stipendiary Magistrate, on the proof which shall be thereof made, may impose the penalty with costs, and such penalty shall belong, half to the informer and the balance to form part of the general revenue fund of the Territories, and in default of immediate payment, the offender shall be imprisoned in the common goal of the district where the offence was committed, for any period of time not exceeding two months; but every magistrate shall have power to convict on view.

14. Suits brought in virtue hereof need not be begun by deposition or information on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand is sufficiently set forth in the summons or annexed thereto, and the evidence of the complainant alone, or of any one witness shall be sufficient to support a conviction.

15. No proceeding shall be quashed, annulled or set aside for informality, but an appeal may be brought before any Stipendiary Magistrate.

16. No prosecution shall be brought after six calendar months from the day of the committing of the offence charged.

17. The Lieutenant-Governor or any person by him thereunto empowered, may grant written permissions, to all persons desirous *bona fide* of procuring birds, eggs, or fur bearing animals, for scientific purposes, during the close season.

18. Notwithstanding anything herein contained, it shall be lawful for any traveller, family or other person in a state of actual want, to kill any bird or animal herein mentioned, and to take any egg or eggs hereinbefore referred to for the purpose of satisfying his immediate want, but not otherwise.

19. The provisions of this Ordinance shall not apply to Indians in any part of the Territories, with regard to any game actually killed for their own use only, and not for purposes of sale or traffic.

20. That this Ordinance does not apply to country lying twenty miles north of the main Saskatchewan River and the north branch thereof.

No. 9 of 1883.

---

*An Ordinance to Regulate the Disposal of Found or Stolen Horses.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Any horse or horses which may at any time come into possession of the North-West Mounted Police, as having been taken from Indians, or others as stolen or strayed, shall be dealt with as hereinafter provided :

2. Immediately on receipt of said horse or horses the said police shall cause a notice to be posted in at least three conspicuous places in the neighborhood, and likewise cause an advertisement to be weekly inserted in the nearest newspaper of the district in which the horses are held, giving the particulars of the case, together with a description of the horse or horses, until the same shall have been disposed of as herein provided.

3. Such horse or horses coming into the possession of the Mounted Police as aforesaid, shall be held by them for the term of three months, unless previously handed over to the rightful owner, and on the expiration of which term they shall be sold at public auction, due notice having been given of such sale one month previous thereto, in the manner providing for the notification to the public of the finding thereof.

4. If the owner of any such horse or horses coming into the possession of the Mounted Police as aforesaid shall be known, then an immediate notice shall be sent to the owner apprising him of the fact.

5. That after the sale of the said horses the said Mounted Police shall be entitled to retain out of the proceeds of the sale thereof, the actual and necessary expenses incurred for printing and advertising such horses, together with 20c. per diem for the keep thereof.

6. All horses so sold shall be branded with a brand to be provided, thus, M, on the left hip, the old mark, if any, being defaced.



7. That the proceeds arising from the sale of such horses after deducting the charges against the same as aforesaid, shall be transferred quarterly on the first days of January, April, June and September in each year to the Lieutenant-Governor, to form part of the General Revenue Fund of the North-West Territories.

8. That a return of all such horses so coming into the possession of the Police as aforesaid, shall be made to the Lieutenant-Governor, giving their descriptions, where found, from whom taken or received, length of time kept, how disposed of, and by whose order, on the dates in the last preceding paragraph mentioned.

**No. 10 of 1883.***An Ordinance Respecting the Herding of Animals.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Upon a requisition, signed by two-thirds of those qualified to vote under section 7 of the "The North-West Municipal Ordinance of 1883," of any district not less than four townships, the Lieutenant-Governor may, by proclamation, erect such townships into a District, to be under the operation of the following sections of this Ordinance:

2. As soon as the proclamation is issued by the Lieutenant-Governor, he shall cause six copies of the said proclamation to be posted up in six of the most public places within the said District. The Lieutenant-Governor shall also cause the said proclamation to be published for at least four insertions in a newspaper published within or near the said District, and immediately after the expiration of one month from such publication, this Ordinance shall take effect and become law.

3. The production of a printed copy of a paper, containing such proclamation, shall in all Courts of Justice be sufficient evidence that such Ordinance is in force in such District.

4. The owner or occupier of lands may distrain all animals doing damage upon his or her cultivated lands, and when any such distress is made, the distrainer shall keep such animals in some secure place other than the public pound until his or her damages are appraised.

5. As soon as practical after such distress, the distrainer shall notify the owner of the animal so distrained, if known to the distrainer, and if such owner do not within (12) twelve hours after receiving such notice pay the damages claimed by the distrainer, the latter shall within 48 hours after such distress, unless the same is made on Sunday, in which case before the Wednesday morning thereafter, apply to a Justice of the Peace having jurisdiction within the said District, who shall appoint three disinterested inhabitants of such District to appraise the damages; such appraisers shall each receive as compensation for their services, two dollars for making the appraisal and five cents per mile as mileage in going to and return-

ing from the place where the damages are sustained, to be paid in the first instance by the distrainor, distance travelled and their fees to be certified to and made part of the returns of said appraisers.

6. Such distress may be made at any time before such animals doing damage as aforesaid escape from said lands, or while followed and kept in sight by the party sustaining damage, or by any person being on the said land at the time such damage is done, and without regard to the sufficiency of the fence thereon.

7. The appraisers shall, immediately after their appointment, be duly sworn faithfully to perform their duty, by any Magistrate having jurisdiction in the said District, and proceed to the place and view the damages done, and they may take the evidence of any person of the facts or circumstances necessary to enable them to ascertain the extent of such damage, and for this purpose the appraisers, or either of them, are authorized to administer an oath to every such witness.

8. The appraisers shall ascertain and certify under their hands the amount of such damage, with fees for their services, as aforesaid.

9. Within twenty-four hours, Sunday excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers, and fifty cents Justice fees, are paid or tendered to the distrainor, he shall cause the animals distrained to be put in the nearest pound in the same District, there to remain until the same are sold, as hereinafter directed, or until the damages so certified and the fees of the appraisers and Justices and costs of keeping such animals, together with the poundkeeper's fees, are paid, and if such animals are put in any pound, the distrainor shall deliver the certificate of the appraisers to the keeper of such pound.

10. The poundkeeper shall receive and keep the animals so delivered to him in the public pound, and shall, within ten days, sell such animals, or so many of them as are necessary, at public auction, giving at least six days' notice of such sale, by posting up the same at such pound, and at three of the most public places in the District, when and where such sale is to be made, provided that the poundkeeper shall furnish animals with sufficient and appropriate food and take good care of them, and shall be paid therefor as part of the fees and costs in such cases.

11. From the proceeds of such sale, the poundkeeper shall retain sufficient to pay the amount of his fees, and the cost of keeping such animals, as fixed in Ordinance No. 6 of 1881, entitled "An Ordinance Respecting Trespassing and Stray Animals," and he shall pay to the distrainor the damages so certified, with fees of the appraisers and the Justices, and if there is any surplus, the same shall be paid to the owner of such animals, if known; but if no owner appears at the time of such sale, or within one week thereafter, and claims such surplus, the same shall be paid to the Lieutenant-Governor of the North-West Territories.



12. The Lieutenant-Governor shall pay such surplus money, if claimed within one year after the distress, to the owner of such animals; if not claimed within that time, he shall apply such surplus moneys towards the public improvement of said District.

13. In case the owner or occupant of lands shall not distrain the animals doing such damage as provided herein, the owner of such animals shall be liable in an action at law for all damages done by such animals, without regard to the sufficiency of the fences on the lands on which damage is done, to be recovered in any court of competent jurisdiction.

14. If any person without the authority of law, and without first paying the damages and costs, takes such animals, after being distrained, out of the possession of the person making distress, or out of the possession of the poundkeeper (as the case may be), without his consent, then such person shall be liable to be punished therefor, by fine not exceeding one hundred dollars, or, in default of payment thereof, by imprisonment not exceeding three months, and shall also be liable in double the amount of damages committed by such animals to the person injured thereby, to be enforced and collected in a summary way before two Justices of the Peace.

15. The provisions of this Ordinance shall not apply in the District west of Range sixteen (16) west of the (3rd) third Principal Meridian.

## No. 11 of 1883.

*An Ordinance to Enforce the Destruction of the Canada  
Thistle and other Noxious Weeds.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Every owner or occupier of land shall cause to be cut down, or otherwise destroyed, all noxious weeds growing thereon, so often in each year as is necessary to prevent them going to seed, and if any owner or occupier allows noxious weeds to grow and the seed to ripen so as to cause or allow the spread thereof, he shall be liable to a fine of not less than (\$10.00) ten dollars, nor more than (\$25.00) twenty-five dollars for every such offence.

2. Roadmasters in any municipality shall see that the provisions above are carried out within their highway divisions, by causing to be cut or destroyed, all noxious weeds growing on the highways or road allowances within their divisions.

3. Every roadmaster shall give notice in writing to the owner or occupier of any land within his division, where noxious weeds are growing and in danger of going to seed, requiring him to cause them to be cut down or destroyed within five days from the service of notice. In case the owner or occupier refuses or neglects to cut down or destroy them within that period, he shall be liable to the penalty above provided, and to a further penalty of (\$5.00) five dollars per day for each day on which he neglects to comply with the notice, and the roadmasters shall forthwith enter upon the land and cause such noxious weeds to be cut down, and he shall not be liable to be sued in any action of trespass therefor. Where noxious weeds are growing on non-resident lands, it shall be the duty of the roadmaster to enter upon the lands and cause them to be cut down, without his being able to be sued in any action or trespass therefor.

4. It shall be the duty of the clerk of any municipality in which railway property is situated, to give notice in writing to any station-master of the railway resident in or close to the municipality, requiring him to cause all noxious weeds growing upon the property of the rail-

way company, within the limits of the municipality, to be cut down and destroyed, as provided for in the case of other owners or occupiers of land. In case the stationmaster refuses or neglects to have the noxious weeds cut down and destroyed within five days from the service of the notice, the roadmaster shall proceed against the stationmaster as if he were the owner of the property, and in the same manner as above provided.

5. Every roadmaster shall keep an accurate account of expenses incurred in carrying out the above provisions with respect to each parcel of land entered upon therefor, and shall deliver a statement of the expenses, verified by oath, to the owner or occupier of resident lands, requiring him to pay the amount. In case the owner or occupier refuses or neglects to pay the account to roadmaster within fifteen days after application, the claim shall be presented to the council of the municipality in which the expense was incurred, and the council is authorized and required to audit and allow the claim, and order it to be paid from the funds of the municipality. The roadmaster shall also present to the council a similar statement of expenses incurred by him in carrying out the provisions of the law upon non-resident lands, or the lands of any railway company, and the council is authorized and empowered to audit and allow the same in like manner. If any owner or occupier of land, liable under these provisions, deems an account excessive, an appeal may be had to the council within fifteen days after delivery of account, and the council shall determine the dispute. The council shall cause all such sums as have been paid under these provisions to be severally levied on the lands described in the statement of the roadmaster, to be collected in the same manner as other taxes, and when collected they shall be paid into the treasury of the municipality, to reimburse the outlay therefrom.

6. Any person who vends for seed purposes, grain, grass or other seed among which there is any seed of wild mustard, cockle, Canada thistle and wild oats, shall be liable to a fine of not less than (\$10.00) ten dollars, nor more than (\$100.00) one hundred dollars.

7. Every roadmaster who refuses or neglects to discharge the duties imposed on him by this Ordinance, shall be liable to a fine of not less than (\$10.00) ten dollars, nor more than (\$100.00) one hundred dollars.



No. 12 of 1883.

---

*An Ordinance Respecting Auctioneers, Hawkers and Pedlers.*

---

[PASSED 4TH OCTOBER, 1883]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. From and after the first day of January, A. D. 1884, no person shall follow the calling or pursue the business of an auctioneer, hawker or pedler within the North-West Territories, without having first obtained a license therefor, under the hand of the Lieutenant-Governor, with the seal of the said Territories.

2. The applicant for every such license, shall pay therefor the sum of twenty-five dollars, which license shall expire on 31st December in each year next following its date.

3. Any person violating the provisions of this Ordinance, shall be liable on summary conviction, to a fine not exceeding one hundred dollars and costs of prosecution, one half of which fine when recovered shall be paid to the prosecutor.

No. 13 of 1883.

An Ordinance to Provide and Regulate Returns by Justices of the Peace.

[PASSED 4TH OCTOBER, 1883.]

Whereas it is desirable to regulate the manner and periods for returns of proceedings and convictions, made by Justices of the Peace under Ordinances.

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Every Justice of the Peace, and in cases where two Justices of the Peace sit together, the senior of such Justices, shall, during the months of January and July in each year, make a return to the Lieutenant-Governor, in the form at the end of this Ordinance, of all proceedings had before him or them, as the case may be, and with such return pay over to the Lieutenant-Governor, all fines received during the six months ending on the 31st December and 30th June preceding such return.

2. Every Justice failing to comply with the requirements of the next preceding section of this Ordinance, shall be liable to a penalty of one hundred dollars, in addition to the amount of fines received, to be recovered at the suit of the Lieutenant-Governor, before any Stipendiary Magistrate, or any civil court in the Territories, as a civil debt. The said penalty and moneys, when recovered to form part of the general revenue of the Territories.

FORM REFERRED TO IN THE ABOVE ORDINANCE.

RETURN OF PROCEEDINGS HAD, AND CONVICTIONS MADE, BY ME OR US (AS THE CASE MAY BE) FOR THE HALF YEAR ENDING.....

Name of Prosecutor.	Name of Defendant.	Nature of the Charge.	Date of Hearing.	Result — Conviction or Dismissal.	Name Amount of Fine or Penalty Inflicted.	Time When Paid, or to be Paid.	Fine, When Paid Over.	If Not Paid, Why, and General Remarks (if any) and where two Justices, name of second Justice.

## No. 14 of 1883.

*An Ordinance Respecting the Construction of Chimneys.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. From and after the first day of November, 1883, within fifty miles on either side of the Canadian Pacific Railway, and from and after the first day of January 1884, for the rest of the North-West Territories, no person shall construct or use a chimney in any portion of the North-West Territories, unless the same be constructed in some one of the ways following:

(1) By walls of stone or brick and mortar, concrete or clay, at least four inches thick, and projecting at least three feet above the roof of the building wherein the same is, or is to be used.

(2) Where stove pipes pass through a roof, they must pass into roof pipe firmly secured, and the wood must be cut away at least three inches from the pipe, and protected by sheet iron, tin or zinc, or pass through a safe the same as ceiling, as hereinafter mentioned.

2. When stove pipes in any buildings, lead through partitions, floors or ceilings, the same shall be encased in solid brick and mortar, concrete or clay, so that at every point there be at least four clear inches between such pipe and any wood work, or within metallic cylinders or stove pipe safes, giving at least ( $1\frac{3}{4}$ ) one inch and three fourth air space, all around on every side.

3. Any person violating the provisions of this Ordinance, shall be subject to a fine on summary conviction not exceeding fifty dollars.

4. The provisions of this Ordinance, shall cease to apply to Municipalities which have provided for the subject matter thereof.



## No. 15 of 1883.

*An Ordinance to Amend the Ordinance No. 6 of 1879,  
Respecting the Licensing of Billiard and Other  
Tables, and for the Prevention of Gambling.*

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Section number two of the said Ordinance is hereby repealed, and the following substituted therefor :

2. Before the granting of any license the applicant shall pay to the issuer the following fees :

(1) Every billiard or pool table keeper, for a single table, forty dollars; for every additional table, twenty dollars.

(2) Every bagatelle, Mississippi, pigeon hole or other gaming table, or board with balls, twenty dollars.

(3) Every bowling alley keeper, twenty dollars.

2. Section six of the said Ordinance is hereby amended by expunging the words "to be forfeited and sold" where they follow the word "instrument" in the said section, and the words "to be destroyed" inserted in lieu thereof.

No. 16 of 1883.

*An Ordinance to Further Amend "The Registration of Titles Ordinance, 1879."*

[PASSED 4TH OCTOBER, 1883.]

Whereas it is expedient to further amend "The Registration of Titles Ordinance, 1879."

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in council, as follows ;

1. Section XXIX. of the said Ordinance is hereby repealed, and the following substituted therefor :

"XXIX. The Registrar shall exact, in advance, the following fees and no more.

"(1) For the necessary entries and certificates in registering every instrument other than those hereinafter specially provided for, including among such certificates, the certificate on the duplicate, if any, fifty cents ; and for registering every instrument, other than those hereinafter specially provided for, one dollar ; but in case the said instrument exceeds seven hundred words, then, at the rate of fifteen cents for every additional one hundred words, or the fractional part thereof.

"(2) For searching the Registry Books and indices relating to the title of any lot, or part of a lot of land, as originally patented by the Crown, or as afterwards sub-divided into smaller lots, shown by any registered map or plan thereof, when not exceeding four references, twenty-five cents, and ten cents for every additional reference."

"(3) For every abstract of title to any specific parcel of land certified by the registrar, containing such particulars as to any number of the registered instrument affecting such parcel of land as the party searching shall require, twenty-five cents, and when such abstract exceeds one hundred words, fifteen cents for every additional hundred words, or fractional part thereof ; and for copies of instruments when required, ten cents for each hundred words.

"(4) For each certificate furnished by the registrar, except those made under sub-sections one and three of this section, twenty-five cents.

"(5) For registration of any plan of city, town or village lots,

“including all necessary entries connected therewith, two dollars.

“(6) For exhibiting in the office each original registered instrument, including search for the same, twenty-five cents.

“(7) For registering each certificate of payment of mortgage money, and every other certificate, including all entries and certificates thereof, fifty cents.”

“(8) The registrar shall keep posted up in some conspicuous place in his office a schedule of the fees and charges authorized under this Ordinance.”



## No. 17 of 1883.

---

*An Ordinance to Amend Ordinance No. 12, of 1878  
Respecting the Marking of Stock.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

That Ordinance No. 12 of 1878, intituled "An Ordinance Respecting the Marking of Stock," be amended as follows :

1. That the following words be added to section two : "In such proclamation the Lieutenant-Governor shall name a Clerk of a District Court, who shall be Recorder of Marks for the District so formed, whose office shall be the general office for recording marks in the District."

2. That sections three and four, seven and ten, be repealed.

3. That the following section be added to the said Ordinance :

If any person hereafter shall mark or brand, or cause to be marked or branded, any horse, mule, ass, swine, sheep or goat, the property of another person, without that other person's consent, he shall pay the owner of the same three times the value of the animal so marked or branded ; and any such owner may sue for and recover the same in any court of competent jurisdiction. The owner of any recorded mark may, by writing, transfer the same to any person, who may record the transfer, and the transferee shall have thereafter all the rights of the person who first recorded it.

The following fees shall be payable to the Recorder : For recording each mark, two dollars ; for each certified copy of every recorded mark, fifty cents ; for every search for mark, twenty-five cents.

No. 18 of 1883.

---

*An Ordinance to Amend Ordinance No. 1 of 1881 Respecting Short Forms of Indentures.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Section five of the said Ordinance, is hereby amended, by inserting in the fourth line of the said section, after the word "Grantee," the words "mortgagor," or "mortgagee."

2. The first schedule is hereby amended, by leaving out all the words between the word "indentures," where it first occurs therein, and the word "witnesseth," and by inserting in lieu thereof, the following words, "Between A. B, of                    hereinafter called the covenantor or releasor of the "first part, and C. D. of                    hereinafter called the covenantee or re-leasee of the second part, and [*here insert the other parties, as the case may be.*]

3. The second schedule is hereby amended, by inserting after the word "Mortgagee," where it first occurs the words "his (her or their) heirs and assigns for ever;" and in clause fourteen of column one, by expunging the word "Mortgagor," and inserting in lieu thereof, the word "mortgagee."

## No. 19 of 1883.

---

*An Ordinance to Amend an Ordinance for the Protection  
of Sheep, No. 11 of 1881.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Sections one and two of the said Ordinance are amended by inserting after the word "sheep," where it occurs therein, the words "calves, colts." And sections three and four are also amended by inserting after the word "sheep," where it occurs therein, "or other animals, as aforesaid."



No. 20 of 1883.

---

*An Ordinance to Amend an Ordinance for the Prevention of Prairie and Forest Fires No. 4 of 1879.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Section one of the said Ordinance, is hereby amended, by inserting after the word "person," where it first occurs therein, the words "who shall wantonly or carelessly set fire to any timber, wood land or grass, or negligently cause the same to be set fire to or"

## No. 21 of 1883.

---

*An Ordinance to Repeal Ordinance No. 10 of 1881 and to Amend Ordinance Respecting Fences, No. 10, of 1878.*

---

[PASSED 4TH OCTOBER, 1883.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Any substantial fence, four feet six inches high, shall be a lawful fence, if it consists

(1) Of rails or boards, not less than three in number, the lower one not less than twenty inches from the ground ;

(2) Of barbed wire, and a substantial rail on the top, the wires to be not less than two in number, and the lower one, not more than twenty inches from the ground.

2. Any river bank, or other natural boundary, sufficient to keep domestic animals out of any inclosed land, shall be a lawful fence.

3. Section one of Ordinance No. 10, of 1878, and Ordinance No. 10 of 1881, are hereby repealed.



CANADA

NORTH-WEST TERRITORIES.

## A PROCLAMATION.

By the Honorable EDGAR DEWDNEY, Lieutenant-Governor of the North-West Territories.

To all to whom these presents shall come, or whom the same may concern.

## GREETING :

Whereas by the fifteenth section of the Act of the Parliament of Canada passed in the forty-third year of Her Majesty's reign, known as "The North-West Territories Act, 1880," it is amongst other things in effect enacted.

That when and so soon as the Lieutenant-Governor is satisfied that any portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall by proclamation erect such portion into an Electoral District by a name and with boundaries to be respectively declared in the Proclamation ;

And whereas I am satisfied that the portion of the North-West Territories hereinafter designated, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age exclusive of aliens or unenfranchised Indians.

Now know you, that under and by virtue of the powers imposed upon and vested in me by the hereinbefore in part recited section of the said North-West Territories Act, I do hereby proclaim and declare as follows :

That the portion of Territory comprised in the following group of Townships, and bounded by the outside lines of the outer Townships of said group, is erected into an Electoral District by the name of

EDMONTON,

*Viz : West of the Fourth Principal Meridian :*



Range xxi, Townships numbered 52, 54 and 55.

Range xxii, Townships numbered 52, 54 and 55.

Range xxiii, Townships numbered 52, 53, 54, 55 and 56.

Range xxiv, Townships numbered 52, 53, 54 and 55.

Range xxv, Townships numbered 52, 53, 54 and 55.

Range xxvi, Townships numbered 52, 53, 54 and 55.

Range xxvii, Townships numbered 52 and 55, and such portions of Townships 53 and 54 as may not be included in the Indian Reserve known as "Michel's Band Reserve."

Range xxviii, Fractional Townships numbered 52 and 55, and such portion of fractional Township 53 as may not be included in the above named Indian Reserve.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

Given under my hand and the seal of the North-West Territories, this twenty-second day of January, in the year of our Lord one thousand eight hundred and eighty-three, and in the forty-sixth year of Her Majesty's Reign.

(L. S.) EDGAR DEWDNEY.

---

Regina: Printed by Nicholas Flood Davin, Printer to the Government of the North-West Territories.



CANADA

NORTH-WEST TERRITORIES.

## A PROCLAMATION,

By His Honor EDGAR DEWDNEY, Lieutenant-Governor of the North-West Territories.

To all to whom these presents shall come, or whom the same may concern.

## GREETING:

Whereas by the fifteenth section of the Act of the Parliament of Canada passed in the forty-third year of Her Majesty's reign, known as "The North-West Territories Act, 1880," it is amongst other things in effect enacted.

That when and so soon as the Lieutenant-Governor is satisfied that any portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall by proclamation erect such portion into an Electoral District by a name and with boundaries to be respectively declared in the Proclamation;

And whereas I am satisfied that the several portions of the North-West Territories hereinafter designated, each not exceeding an area of one thousand square miles, respectively contain a population of not less than one thousand inhabitants of adult age exclusive of aliens or unenfranchised Indians

Now know you, that under and by virtue of the powers imposed upon and vested in me by the hereinbefore in part recited section of the said North-West Territories Act, I do hereby proclaim and declare as follows:

FIRST—That the portion of Territory comprised in the hereinafter first mentioned group of Townships and bounded by the outside lines of the outer Townships of said group, is erected into an Electoral District by the name of

## BROADVIEW,

*Viz: West of the First Principal Meridian:*

- Range xxx, Townships numbered 13 and 14.
- Range xxxi, Townships numbered 13 and 14.
- Range xxxii, Townships numbered 13, 14 and 15.
- Range xxxiii, Townships numbered 14, 15 and 16.

*West of the Second Principal Meridian.*

- Range i, Townships numbered 14, 15 and 16.
- Range ii, Townships numbered 14, 15 and 16.
- Range iii, Townships numbered 14, 15 and 16.

Range iv, Townships numbered 14, 15 and 16.

Range v, Townships numbered 15 and 16.

Range vi, Township numbered 16.

Range vii, Townships numbered 16, 17 and 18.

SECONDLY—That the portion of Territory comprised in the next following group of Townships and other Divisions of land and bounded by the outside lines of the outer Townships and other Divisions of land of said group, is erected into an Electoral District by the name of

### QU'APPELLE,

*Viz: West of the Second Principal Meridian :*

Range viii, Townships numbered 16, 17 and 18.

Range ix, Townships numbered 16, 17 and 18, Fractional Township 19a, and south half of Township numbered 19.

Range x, Townships numbered 16, 17 and 18, Fractional Township 19a, and south half of Township numbered 19.

Range xi, Townships numbered 17, 18, Fractional Township 19a, and Township numbered 19.

Range xii, Townships numbered 17, 18, Fractional Township 19a, Townships numbered 19, 20 and 21.

Range xiii, Townships numbered 17, 18, 19, 20, 21 and 22.

Range xiv, Townships numbered 18, 19, and such portions of 20, 21 and 22 as may not be included in Indian Reserves,

And the Hudson's Bay Company's Reserve at Fort Qu'Appelle.

THIRDLY—That the portion of Territory comprised in the following group of Townships and parts of Townships, and bounded by the outside lines of the outer Townships and parts of Townships (except where otherwise limited, as hereinafter mentioned,) is erected into an Electoral District by the name of

### REGINA,

*Viz: West of the Second Principal Meridian :*

Range xv, Townships numbered 18, 19, and such portion of Township 20 as may not be included in Indian Reserve.

Range xvi, Townships numbered 18, 19, and such portion of Township 20 as may not be included in Indian Reserve.

Range xvii, Township numbered 18.

Range xviii, Townships numbered 17, 18 and 19.

Range xix, Townships numbered 16, 17, 18 and 19.

Range xx, Townships numbered 16, 17, 18 and 19.

Range xxi, Townships numbered 16, 17, 18 and 19.

Range xxii, Townships numbered 16, 17, 18, and such portion of Township 19 as may be south of the Qu'Appelle River.

Range xxiii, Townships 17, 18, and such portion of Township 19 as may be south of the Qu'Appelle River.

Range xxiv, Townships numbered 17 and 18.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

Given under my hand and the seal of the North-West Territory, at the Government House, Regina, this Second day of June, in the year of Our Lord one thousand eight hundred and eighty-three, and in the Forty-sixth year of Her Majesty's reign.

(L. s.) EDGAR DEWDNEY.

Lieutenant-Governor.





CANADA,  
 ———  
 NORTH-WEST TERRITORIES. }

## A PROCLAMATION,

By His Honor EDGAR DEWDNEY, Lieutenant-Governor of the North-West Territories.

To all to whom these presents shall come, or whom the same may concern.

### GREETING:

Whereas by the fifteenth section of the Act of the Parliament of Canada passed in the forty-third year of Her Majesty's Reign, known as "The North-West Territories Act, 1880," it is amongst other things in effect enacted;

That when and so soon as the Lieutenant-Governor is satisfied that any portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by Proclamation, erect such portion into an Electoral District by a name and with boundaries to be respectively declared in the Proclamation;

And whereas I am satisfied that the portion of the North-West Territories hereinafter designated, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians;

Now know you that under and by virtue of the powers imposed upon and vested in me by the hereinbefore in part recited section of the said North-West Territories Act, I do hereby proclaim and declare as follows:

That the portion of Territory comprised in the following group of Townships, and bounded by the outside lines of the outer Townships of said group, is erected into an Electoral District by the name of

### MOOSE JAW,

*Viz: West of the Second Principal Meridian.*

Range xxv, Townships numbered 15, 16, 17, 18, 19 and 20.

Range xxvi, Townships numbered 15, 16, 17, 18, 19 and 20.

Range xxvii, Townships numbered 15, 16, 17, 18, 19 and 20.

Range xxviii, Townships numbered 16, 17, 18, 19 and 20

Range xxix Townships numbered 16, 17, 18, and 19.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

Given under my hand and Seal of the North-West Territories at Government House, Regina, in the said Territories, this fourteenth day of July in the year of our Lord one thousand eight hundred and eighty-three and in the forty-sixth year of Her Majesty's Reign.

(L. S.) EDGAR DEWDNEY,  
LIEUTENANT-GOVERNOR.

---

Regina: Printed by Nicholas Flood Davin, Printer to the Government of the North-West Territories.

# INDEX

TO

## "THE NORTH-WEST MUNICIPAL ORDINANCE, 1883."

(THE FIGURES REFER TO SECTIONS.)

### ARBITRATORS—

How appointed, and by whom, Proceedings by, 183 to 197.

### ASSESSORS—

Appointed by By-law, 26-41.  
Their duties, 43, 44, 45.

### AUDITORS—

Appointed by By-law, 23,  
Appointed at first meeting, 97.  
Their duties, 98-99-100.

### BY-LAWS—

Appointing Deputy Returning Officers, 32.  
Appointing Assessors and Collectors, 41.  
Appointing Officers, 25.  
Appointing Treasurer, 88.  
Fixing remuneration of Officers, 26.  
Fixing remuneration of Poundkeepers, their security, and regulating Pounds, 163.  
For proceedings of Council, 16.  
For levying Taxes, 52.  
For additional percentage charge on unpaid taxes, 42.  
For commutation of Statute Labor, 72.  
For creating debts, 128 to 132.  
Of Council of a Municipality, 25.  
Of a Town Council, 147-150.  
Petition to annul or amend, and proceedings on same, 122 to 127.  
Proceeding to ascertain assent of electors on, 111-118.  
Regulating Ferry Fees, 174.  
To be under seal of Municipality, and by whom signed, 109.  
What copies are authentic, 110.

### CITIES—

Elections in, how held, 158.  
Erection of Towns into, 156.  
Fee to accompany Petition praying Incorporation into, 160.  
May be erected by Special Ordinance, 159.  
Requisite number of population, 156.  
Shall have a corporation seal, 161.  
To be governed by Mayor and Board of Aldermen not exceeding seven, 157.

### CLERK—

Elected at first meeting of Council, 15.  
Duties of, 29  
Duties of, in case poll is granted, 36, 39, 40.  
Duties of, on receipt of Auditors' Report, 100.  
Duties of, on By-laws requiring assent of electors, 111-118.  
Shall preside first meeting of Council, 17.  
Shall be Returning Officer, 31.



- Shall call meetings for nomination of Councillors, 33.
- Shall grant Poll, when, 34.
- Shall be Clerk of Court of Revision, 62.
- Shall make Collector's Roll, 74.
- Shall make roll respecting land of non-residents, 75.
- Shall prepare list of qualified voters, 102-103.
- Shall deliver to Road-overseers list of parties assessed for Statute Labor, 162.
- Shall transmit to Lieutenant-Governor list of elected and appointed officers, of persons assessed, &c., &c., 180.
- When unable to attend meeting of nomination, 35.
- Clerk of Town Council shall sign with Mayor roll of assessment for special work, 154.

#### CHAIRMAN—

- Elected at first meeting of Council, 12.
- Duties of, 23.
- For nomination of Councillors, 34.
- May vote on all questions, and in case of a tie shall have a casting vote, 24.
- Meaning of the word, Sub-section 5 of 1.
- Pro tem, 34.
- To call special meeting, 23.

#### COLLECTORS—

- Appointed by By-law, 26-41.
- Duties of, 73 to 87.
- Return of unpaid taxes, 41.

#### CONSTABLES—

- Appointed and remunerated by By-law, 26.

#### COUNCIL—

- Jurisdiction limited, 9.
- First meeting of, 11.
- Shall be deemed to hold office up to first meeting of new Council, 11.
- Shall elect Chairman at first meeting, 12.
- Shall order an election in case of death or removal of a Councillor, 13.
- Shall elect Clerk at first meeting, 15.
- Regulations for proceedings of, 16.
- Shall exercise powers of the Municipality, 18.
- Majority of to be a quorum, 20.
- Remuneration of, 22.
- Special Meeting of, called by Chairman, 23.
- Subjects upon which may pass By-laws, 25.
- Appointment of officials by, 26-41.
- Shall appoint Returning Officers, 32.
- Appointed by Lieutenant-Governor, when, 37.
- Shall appoint Assessors and Collectors, 41.
- By-law for additional charge on unpaid taxes, 42.
- Shall make yearly estimates, 51.
- Shall pass By-law for levying taxes, 52.
- Deficiency on amount of taxes collected, how made up, 53, 54.
- If in excess of estimates, 55.
- To be a Court of Revision, 60.
- Proceedings before said Court, 63 to 68.
- Commutation of Statute Labor, 72.
- Shall appoint Treasurer, 88.
- Shall at first meeting appoint Auditors, 97.
- Action of, on By-laws requiring assent of electors, 111 to 118.
- Shall not made appointment to office by tender, 178.
- Responsible for the acts of their officers, 181.
- Shall exact security from their officers, 181.
- Town Council shall be Board of Health, 149.
- And may appoint a Street Surveyor, 150.
- Town Council may make assessment for special work, 151.
- Such assessment to be on property benefitted, 153.
- And signed by Mayor and Clerk, 154.

**COUNCILLOR—**

- Meaning of the word, Sub-section 2 of 1.
- Who may be elected, exceptions, 6.
- Not eligible unless a resident, 7.
- Voters at first election of, 7.
- Election, how held, 7.
- First elected, how long shall hold office, 8.
- Annual election of, 10.
- In case of death or removal of a, new election ordered by Council, 13.
- Remuneration of, 22.
- Qualifications of, 30.
- Nomination of, 33.
- If more nominated than required, 34.
- Shall be notified of his election, 40.
- Number of Councillors to a Town, 138.
- Election of, contested, 176.
- Proceedings in contestation of election, 177.
- Neglecting or refusing to attend meetings his seat shall become vacant, 14.

**COURT OF REVISION—**

- Council shall be a, 60
- Proceedings before, 63 to 68, 102 to 108.

**DEATH—**

- Deceased Councillors, how replaced, 13.

**ELECTIONS—**

- Manner of holding first election, 7.
- Annual election of Councillors, 10.
- When not held on day appointed or illegal, Lieutenant-Governor may direct ~~one~~ to be held, 19.
- To be held one week after nomination, in case of a poll, 7-38.
- How voters' list prepared for first election, 101.

**ELECTORS—**

- Meaning of the word, Sub-section 4 of 1.
- Qualification of at first election, 7.
- At other elections, 27.
- List of, 101 to 108.
- Any elector may attack ■ By-law, 120.

**EXEMPTIONS—**

- What property are exempted from taxation, 49.

**FEE—**

- For Incorporation of Towns, 136.
- For Incorporation of Cities, 163.
- Ferry fees, 174.

**FERRIES—**

- May be controlled by Municipalities, 175.
- Regulation of fees for, 174.

**LAND—**

- Meaning of the word, Sub-section 3 of 1.

**LIEUTENANT-GOVERNOR—**

- May erect Municipalities by proclamation, 2.
- Requisites of proclamation, 4.
- Shall appoint Returning Officer for first election, 4.
- May direct the holding of election in case the election ~~was~~ not held on day appointed, ■ illegal, 19.
- May appoint a Council, when, 37.
- Petition for Incorporation of a Town, 134, 135.
- Notice, 138.
- Proclamation erecting ■ Town, 138-142.

Proceedings of, in *re* incorporation of Cities, 157.

May give a Municipality jurisdiction over any road dividing Municipalities or adjacent thereto, 171.

Shall determine what Municipality shall have jurisdiction on dividing streams, 175.

List of elected and appointed officers delivered to him by Clerk, 180.

May appoint third Arbitrator, in what case, 187.

#### LOT—

Meaning of the word Sub.-Sec., 8 of 1.

#### MAYOR—

Lieutenant-Governor may, by proclamation, order election of a, in incorporating a town, 142.

Mayor and Council shall be a Court of Revision, 154.

Election of, contested, 176.

Proceeding on same, 177.

Assessments for special works in Towns shall be signed by Mayor and Clerk, 154.

Mayor and Council of a town shall be Court of Revision, 155.

#### MEETING—

First Meeting of Council when held, 11.

Duty of new Council at first meeting, 12, 97.

Councillor refusing or neglecting to attend, 13.

Clerk elected at first meeting, 15.

Chairman elected at first meeting, 12.

Regulations calling meetings, 16.

First meeting by whom presided, 17.

Quorum at meetings, 20.

Special Meetings called by chairman, 23.

For nomination of Councillors, 33.

#### MUNICIPALITY—

Meaning of the word, Sub.-Sec., 1 of 1.

Powers of, 3.

Number of Councillors to which entitled, 5.

Power of, exercised by Council, 18.

#### NOMINATION—

To be fixed by Clerk, 33.

Open until noon, 36.

#### OATHS—

Of officers, 169, 170, 171.

#### OFFICERS—

Time during which they will hold office, and their duties, 179.

Responsible for their acts or non-performance of duties, 182.

#### OWNER—

Meaning of the word Sub.-Sec. 6 of 1.

#### OCCUPANT—

Meaning of the word Sub.-Sec. 7 of 1.

#### PETITION—

For erecting Municipalities and by whom signed, 2.

For incorporation of towns, 134, 135.

Fee to accompany Petition for Town Incorporation, 136.

And for Cities, 160.

#### POLL—

When granted, 34.

In case of a Poll, Election to be held one week after Nomination, 38.

Duties of Clerk if there be a Poll, 39.

#### POUNDKEEPERS—

By law regulation, their remuneration fees, charges and duties, 170.



**PROCLAMATION—**

- To erect municipalities, 2.
- Its contents, 4
- To erect towns, 133, 147.
- To erect cities, 158, 162.

**PROPRIETOR—**

- Meaning of the word, sub.-sec. ¶ sec. 1.

**RATES—**

- Of taxes, how calculated 50.
- In towns, 156.

**RETURNING OFFICER—**

- For first election, appointed by Lieutenant-Governor, 4.
- Shall preside first meeting of Council, 17.
- The Clerk shall be Returning Officer, 31.
- Deputies of, appointed by Council, 32.
- Meeting called by, for nominating Councillors, 33.
- When to grant a poll, 34.
- His duties in case of a poll, 36, 39, 40.
- Form of Certificate to person elected under the Ordinance, 173.

**ROADS—**

- Within Municipalities or adjacent thereto, 174.

**ROAD OVERSEERS—**

- Their appointment, 20.
- Shall notify parties liable to statute labor, 162.
- Report to Council, 164.

**STATUTE LABOR—**

- Statute labor, 69.
- Commutation of, 71, 72.
- Shall be done under direction of Road Overseers, 164.
- Non-residents shall be deemed to have commuted statute labors, other persons required to give notice to clerk for commutation of same, 167.
- Penalty for non-performance, 168.
- When to be performed, 169.

**SCHOOL—**

- Treasurer of Municipality may be Treasurer for School Funds, 92.
- Liability of town towards Schools not to be affected by this Ordinance, 145.
- Rates in Towns, 156.

**STREET SUPERVISOR—**

- Appointed by Town Council, 150.

**TAXES—**

- Return by Collector of unpaid taxes, 41.
- Additional per centage charge on unpaid taxes, how imposed and collected, 42.
- Property exempted from taxes, 49.
- Rates of, 50.
- Based on estimates for current year, 51.
- By-law to levy taxes, 52.
- Deficiency of taxes, how made up, 53, 54.
- If more than required, 55.
- If for a special purpose, and not spent, 56.
- When deemed to be due, 57.
- Time extended for collecting, 58.
- On property of Railways, 59.
- Collection of, 73 to 87.
- Accrued taxes shall be a special lien on land, 86.
- Rates of, in Towns, 155.

**TOWNS—**

- How incorporated, 133.

Powers, 133, 147.

Entitled to a Provisional Council, 133, 141, 142.

Requisite number of population, 143.

Council of Town shall be Board of Health, 149.

May appoint Street Surveyor, 150.

Assessment for special works, 151.

Such assessment to be made by Street Surveyor, 152.

And to be on property benefitted, 153.

Such assessments to be signed by Mayor and Clerk, and published, 154.

Mayor and Council to be Court of Revision, 155.

Rate of taxes, 156.

#### TREASURER—

By-law for his appointment, 26, 88.

Collectors' roll, handed to Treasurer, 84.

Account of taxes remaining due, 85.

How remunerated, 88.

His duties, 88 to 96.

Shall not be eligible as Auditor, 93.

#### VACANCY—

Created by death or removal of any Councillor, how filled, 13.

Created by Councillor refusing or neglecting to attend meeting, 14.

#### VOTERS—

Qualification of for first election, 7.

Qualification, 27.

List of for first election, how prepared, 101.

For other elections, 102 to 103.

I  
I  
V  
T  
O.  
Co  
Ac  
Ra

TOWN  
Hov



ALBERTA  
PROVINCIAL LIBRARY

Carswell Co. Tor.  
10.00.





